

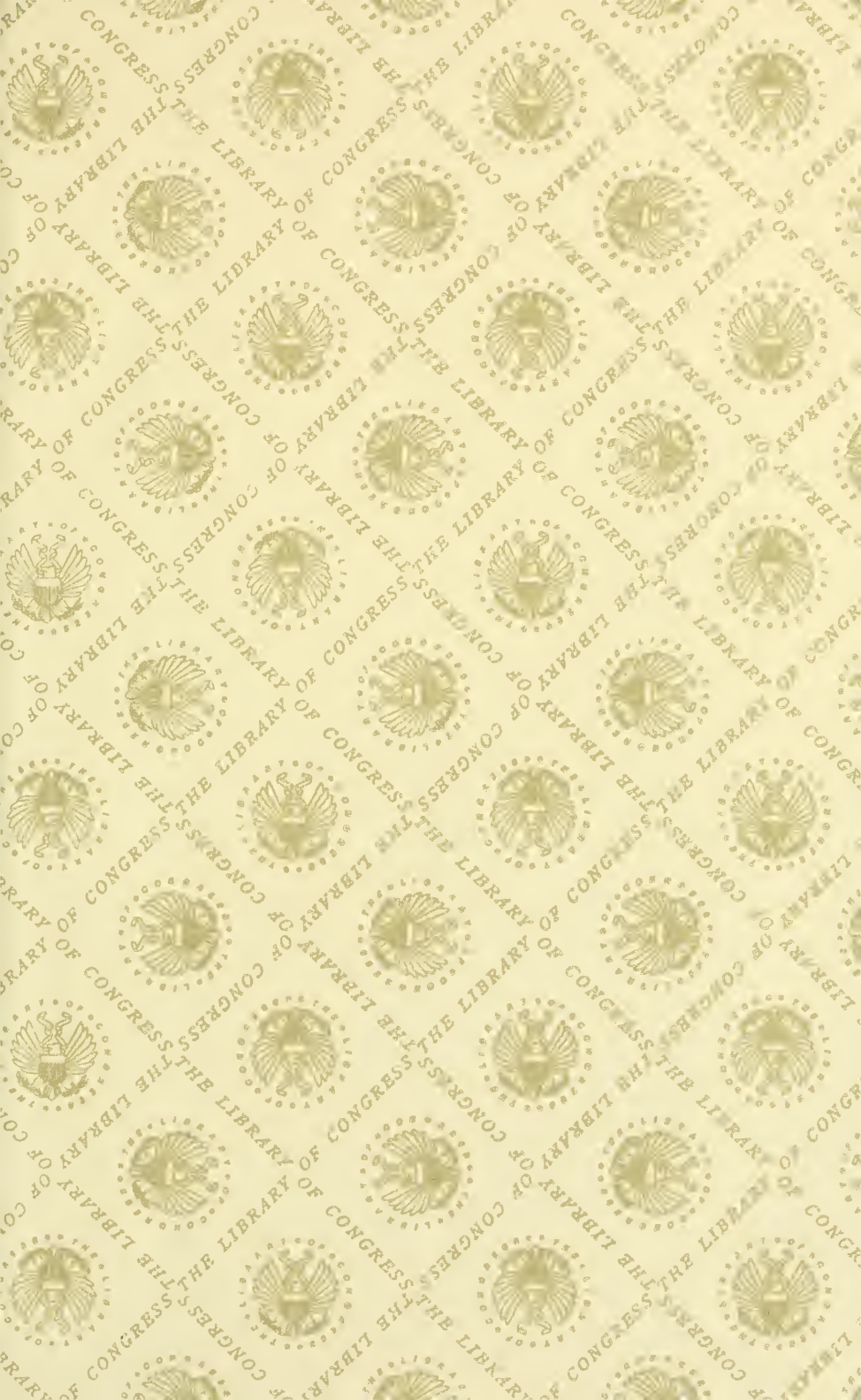
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HISTORY
OF THE
SECOND WAR
BETWEEN THE
UNITED STATES OF AMERICA
AND
GREAT BRITAIN,
DECLARED BY
ACT OF CONGRESS, THE 18th OF JUNE, 1812,
AND CONCLUDED BY PEACE, THE 15th OF FEBRUARY, 1815.
BY
CHARLES J. INGERSOLL.
SECOND SERIES.—VOL. II.

EMBRACING THE EVENTS OF 1814 AND 1815.

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CHAPTER. I.

NEGOTIATIONS AT GHENT—TREATY AND PEACE.

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SURPRISED by the American declaration of war, enacted by a weak power quite unprepared, against a strong power completely armed and formidable, but without sufficient forces in America, because made to believe that the United States dared not venture such a conflict, the British government held off hostilities, and tried to pacify the United States, during several months after they feebly essayed war, disastrously by land for conquest, gloriously for defence at sea. The British minister at Washington, who assured his government that there would be no war, nor any thing worse than angry complaints, stopped at Halifax, on his way home, to try and make peace. Within

a week of the declaration of war, the offensive Orders in Council being repealed, nothing remained to fight about but impressment. Foster, the plenipotentiary, therefore induced Prevost, the Canadian governor-general, to despatch his adjutant-general, Baynes, with terms, which misled General Dearborn to subscribe an armistice, rejected by the President in August, 1812. With the first British forces arrived in America, Admiral Warren, in September, 1812, more of pacificator than combatant, repeated pacific overtures, which the President again rejected. Beside repeal of the obnoxious Orders in Council, involving only the commercial question, Madison and Monroe, solitary and alone, constituting nearly the whole government in the desert capital when Congress were not in session, firmly and fortunately required that the Orders in Council should not be repeated; and, in addition to removal of that commercial cause of war, that the personal question of impressment must be settled, by not only cessation of its practice and liberation of its American victims, but also some settlement of the principle in conflict. Those terms were scouted by Great Britain, and probably would never have been submitted to by a nation much more unanimous and powerful to assert the right, than the United States were the wrong, of impressment. Surprised by unlooked-for war, and provoked by reiterated rejection of their terms of accommodation, the ministerial successor of Pitt's insuperable anti-Gallican policy, long after his death, at last marvellously successful, and elated by Napoleon's reverses of 1813 in Saxony, following those of 1812 in Russia, met Parliament in 1814, in haughty exasperation against an insolent and despised transatlantic assailant. Their long-deferred manifesto, fabricated by the admiralty judge Scott, afterwards Lord Stowell, was pointed with the common British malediction, denouncing to British abhorrence American subserviency to the French jacobin usurper, the defeated Emperor, and to the Irish Americanized traitors who contaminated American politics. Embittered hostilities began, with ruthless retaliation. Notwithstanding a few precious unlooked-for naval victories, universal defeat by land, want of funds, dread of taxes, inaptitude of the executive for war, and

legislative fear to vote its exigencies, co-operated with British power and determination avowed to punish and crush their unnatural American offspring.

The Congress which declared war, without voting adequate means for waging it, hoping with the executive to escape its hardships, by one of their last expedients, on the the 3d of March, 1813, excluded, from and after the war, all British persons — not only seamen, but all British persons — from all American vessels, private and public; in the vain hope, by the removal of the subjects of impressment, that its odious practice might expire in the mere assertion of a harmless principle, against which we need not contend in arms. That unavailing concession then became, as I believe it yet remains, a dead letter on our code; discriminating, contrary to the American Declaration of Independence, between native and naturalized citizens, and by repression mostly inoperative, since discounted by the doctrines of that declaration, vainly attempting to domiciliate seafaring people, and overcome their habitual propensity to rove and serve without much regard to birth or allegiance. That concession to power enacted, however, a striking refutation of the most common British apology for their surprising naval defeats, by excluding altogether from American vessels the supposed British seamen, to whom British national prejudice attributed American naval victories. There were very few of them in our vessels, and those few very inferior to our mariners. The instructions to our peace-ministers, dwelling on that act of Congress, stated that, for the supply of our ships-of-war and merchant-service, we ought to depend on our own population, which experience had shown to be an abundant resource.

England, refusing the Russian mediation, despatched, without notice to Russia, or to our minister there, but probably less to propitiate the United States than Russia, and separate our negotiations from all the powers of the armed neutrality and assertors of neutral sea-rights, the cartel brig *Bramble*, which arrived at Annapolis the last day of December, 1813, with an offer to treat for peace at London or elsewhere, but without any mediation. Mr. Clay and Mr. Russell were thereupon

added to Mr. Adams, Mr. Bayard, and Mr. Gallatin, as the legation; and Gottenburg, in Sweden, designated as the place of meeting. The British government suggested London, ours Washington, as the place; to which Ghent, in Flanders, was preferred. The original instructions, dated 15th of April, 1813, taken by Mr. Gallatin and Mr. Bayard to Mr. Adams, were copiously reargued by others, dated 8th and 28th of January, 1814, without material alteration, and sent by Mr. Clay and Mr. Russell, who sailed from New York in February, and arrived at Gottenburg in April, 1814. Impressment and blockades, the principal causes of the war, were the topics of all these instructions; abiding by Mr. Russell's proposition in London to the British government as soon as war was declared, and Mr. Monroe's answer to Admiral Warren from Washington, when he offered terms soon afterwards, as the grounds on which alone the United States would adjust the conflict for impressment; with the modifications afforded by the Act of Congress of March, 1813, excluding after the war all Britons from American vessels. Express relinquishment of illegal blockades was required, and indemnity for losses. But the peace-mission were instructed not to let that claim defeat the primary object entrusted to them.

Such were in substance our terms of peace, viz., relinquishment of impressment, both in practice and principle, together with liberation of its victims; for which we engaged never to suffer Englishmen to navigate our vessels after the war; and some arrangement of blockades, which two were cardinal and originally indispensable conditions. Indemnity for losses, though demanded, was not to be insisted on to the detriment of the chief terms. None of these conditions were even taken into consideration. Before the commissioners met at Ghent, in August, 1814, Great Britain, with her allies, conquered peace in Europe, and resenting American hostilities, insisted on degrading terms of peace, mutilating our territories, restricting our commerce, punishing, reducing, and humbling the United States. Our original demands were exclusively maritime, concerning blockade and impressment alone. Never foreseeing that boundaries, fisheries, Indians, the lakes, or other

territorial issues, would supersede the marine controversies, no instructions were given to our ministers as to any other than the latter topics. In January, 1814, although the negotiation was deprived of Russian countenance, and our mighty enemy much more powerful than in April, 1813, our demands were not only increased, but two new ones added, neither of them maritime, both occurring after and by the war: by what was charged as England's unwarrantable mode of waging its inflictions. Our reconstructed mission was directed, on the 28th of January, 1814, to propose stipulations on both sides of indemnity for destruction of unfortified towns and other private property, contrary to the laws and usages of war, and to ask for return to their owners or paying at full value for all negroes taken from the Southern States, of whom, according to the instructions, a shameful traffic had been carried on, in the West Indies, by their sale by those who professed to be their deliverers. These were not, however, terms to be insisted on. That for unwarrantable destruction was not listened to; that respecting stolen slaves was ultimately realized by the treaty of 1818. In agreeing to treat directly with Great Britain, not only is no concession, said the instructions, contemplated of any point in controversy, but the same desire cherished to preserve a good understanding with Russia and the other Baltic powers, as if the negotiation had taken place under the mediation of Russia. To cultivate the aid of those powers was a constant direction to our ministers, as their anti-English sea-laws concerning blockade, search, and particularly their doctrine that free ships make free goods, and that the flag protects both the crew and cargo of a vessel, are maritime principles of international peace and marine property which it should be the just pride and true glory of the United States to establish as laws of nations, to be no longer violated by the only one that disputes them.

At St. Petersburg, at Gottenburg, and at Ghent, our ministers were instructed and empowered almost exclusively on maritime questions. In 1812, the President repeatedly refused to negotiate because the Orders in Council were revoked, insisting on resistance to impressment. In 1813, indemnity for

spoliations was, moreover, required, though without being insisted on. In 1814, indemnity was demanded for spoliations ashore as well as at sea, and for slaves purloined. Till the middle of February, 1814, our demands increased, although our successes by no means encouraged such enhancement. By that time, Great Britain's European allies, offensive and defensive, enthusiastic and desperate, supplied by her immense resources, and emboldened by her invincible resolution, at last turned the tide of fortune, which for twenty years had inundated and submerged all further insular dominion; and there was reason to believe that London would dictate a peace at Paris, as was soon done. All accounts from our ministers, together with all other intelligence, were alarming to us. Still, throughout January, February, and March, 1814, the original instructions to our peace-ministers remained the same, notwithstanding great changes ascertained in Europe and still greater apprehended. On the 7th of June, 1814, tidings from Halifax reached Boston of the peace of Paris, which put an end to the war-right of impressment, as we understood it, and, our government flattered itself, would put an end to the practice. On the 9th of June, 1814, the restored Bourbon king, Louis XVIII.'s vessel of war, under his flag, arrived at New York. The French minister at Washington struck the imperial and hoisted the royal standard. The United States, always without an ally or a sympathy of any avail in Europe, were deprived of the French counteraction of Great Britain and of the Russian mediation. Large bodies of experienced and admirable troops poured in upon us from Europe, to wage vindictive, uncivilized, and conquering war, when all its causes had ceased. There were no illegal blockades. There was no belligerent right or pretext for impressment. England had herself removed all causes or pretexts for war; and, at the same time, had become vastly more terrible than she was two years before, when it was declared. Meantime, American mariners had done more than any treaty possibly could do to put an end to impressment for ever. Peace was the obvious policy of the United States; for Great Britain threatened and might execute ruinous warfare. Continued and exacerbated

hostilities were, if not her policy, at all events, her determination ; and, from the peace of Paris to that of Ghent, prosecuted to her constant disgrace, while our terms were accommodated adroitly, and not without dignity, to altered circumstances. The tone of the American government conformed to circumstances, but not ignominiously. Still, without the victories of Plattsburg and New Orleans, the able negotiations of Ghent would have been less valuable, and the peace much less fortunate.

On the 25th of June, 1814, as the President thought it probable that the late events in France would increase the hostile pretensions, in case no stipulation could be then obtained from the British government, either to relinquish the claim to impress from American vessels, or discontinue the practice, our ministers were instructed to concur in an article referring the subject of impressment, together with that of commerce between the two countries, to a separate negotiation, to be undertaken immediately or without delay, at some place to be agreed on ; meantime, each party to retain its own rights, and all American citizens impressed into the British service to be forthwith discharged. Such a treaty would have done little more than revive the twenty years' fruitless negotiations between the United States and Great Britain, except only that American citizens impressed would be forthwith discharged. The reason for substituting that, little more than cessation of hostilities, without settlement of the cause of war, was thus given by the Secretary of State: "The United States, having resisted by war the practice of impressment, and continued the war till that practice ceased by peace in Europe, their object has been essentially obtained for the present ; and it may reasonably be expected that the arrangements contemplated and provided for will take effect before a war in Europe will furnish an occasion for reviving the practice. Should the arrangement fail and the practice be again revived, the United States will again be at liberty to repel it by war ; and that they will do so can not be doubted ; for after the proof they have already given of a firm resistance in that mode, persevered in till the practice ceased, it cannot be presumed that the practice will ever

be tolerated again. Every day will render it more ineligible for Great Britain to make the attempt." It was natural and unavoidable that our government should be somewhat disconcerted by the prodigious successes of Great Britain's continental stipendiaries. By receding from terms of peace stipulating acknowledgment of what we went to war for, to mere peace without any stipulation, even though circumstances altered the case, we should have been no gainers by war, but for the naval exploits, modestly pleaded by the instructions above mentioned, and completed by land-victories. War, indeed, made peace, which, without what had been directly done by hostilities, would have been neither honorable, grateful, nor durable. I have said, in another place, that none of the many treaties made by this country with Great Britain have been to our advantage. The only treaty we can boast of is that which acknowledged our independence. In all the rest, Great Britain has had the best of it, as in all hostilities the advantage and the glory have been American. Treaties seldom either make or maintain peace, of which they are the registers. They are more apt to make war than peace. History abounds with wars caused by treaties, thoroughly negotiated and carefully reduced to writing. The treaty of Ghent, stipulating little more than cessation of hostilities, confirmed by the battles that preceded, accompanied, and followed it, made, and has kept peace for nearly forty years, which few treaties would do; for words originate disputes, mostly put an end to by blows.

Abandonment of the terms required by all our instructions, before the change directed by those after the 25th of June, 1814, was suggested by Mr. Gallatin and Mr. Bayard, who, in their journey from St. Petersburg, by Berlin and Amsterdam, to London, could not fail to be forcibly struck with the changes throughout Europe, just then foreshadowing the capture of Paris and peace there soon, dictated by England. Two days after Monroe's letter of the 25th of June, 1814, he therefore wrote again to our ministers, still further yielding to their urgent representations of the necessity of altered conditions, according to circumstances. Though England

made the offer to treat, which produced our mission to Gottenburg, yet she sent no minister there. Our instructions, by letter of the 27th of June, 1814, alluding to that ominous omission, and intimating that a dilatory policy was obviously England's scheme, stated, therefore, that the President had again taken the subject into consideration, and given to the views of Mr. Gallatin and Mr. Bayard all the attention they so strongly required. The result was, instruction to omit any stipulation on the subject of impressment, if found indispensably necessary to terminate it; not, however, recurring to that expedient till all the efforts of our ministers to adjust the controversy in a more satisfactory manner had failed. As, in suffering the treaty to be silent on the subject of impressment, it was not the intention of the United States to admit the British claim thereon, it was highly important to preclude entirely any such inference, by a declaration or protest, in some form, that the omission should not have such effect or tendency; and any modification of the practice, to prevent abuses, being an acknowledgment of the right in Great Britain, was expressly forbid, as wholly inadmissible. Gottenburg need not be the place of negotiation. Amsterdam and the Hague were mentioned as preferable to any place in England. If, however, the commissioners were of opinion that, under all circumstances, the negotiation in that country would be attended with advantages outweighing the objections to it, they were at liberty to transfer it there.

Thus the mission might treat at London for peace, without any terms beyond putting an end to war. The last letter of instructions, dated the 11th of August, 1814, reiterating those of the 25th and 27th of June, and forwarding copies of them, strongly preferring a treaty with stipulations against impressment, or post bellum commission to arrange such stipulations, still left it optional with the commissioners to conclude a treaty silent on the subject of impressment; adding, however, that the government could go no further. "If Great Britain does not terminate the war on those conditions, she has other objects in view," the instructions added, "than those for which she had professed to contend, as there is much reason to pre-

sume. Whatever they might be, they would be resisted by the United States; and, however severe the conflict, it would be borne with firmness, and, as was confidently believed, with success." The letter of instructions of the 27th of June, 1814, closed with like determination, not without uneasiness; for the conjunction was extremely perilous. "Information has been received," said that letter, "from a quarter deserving attention, that the late events in France have produced such an effect on the British government as to make it probable that a demand will be made at Gottenburg to surrender our right to the fisheries; to abandon all trade beyond the Cape of Good Hope; and to cede Louisiana to Spain. We cannot believe that such a demand will be made. Should it be, you will of course treat it as it deserves. These rights must not be brought into discussion; if insisted on, your negotiations will cease."

Impressment was tolerated illegal violence, which that conflict settled for ever, never to be practised, attempted, or endured to any extent again. It was a British pretension common in England, to obtain sailors, as in France, Prussia, and almost everywhere else in Europe, seizure of men to compel them to serve as soldiers was common. Soon after the acknowledgment of the independence of the United States, it was exercised by the English on board of American vessels, to retake deserters; then to take all British seamen; soon extended to all British subjects; to Irish emigrants from British dominion; and at last to Swedes, Danes, and other foreigners in American vessels. Though not pretended that native American citizens could be taken forcibly from American vessels, yet numbers of them were taken; and British born naturalized Americans, England insisted on her right to take as her subjects, whose native allegiance could not be thrown off. Between the British claim to indissoluble allegiance, and the American claim to naturalize foreigners, an issue was formed, which no argument or arrangement could settle. Resisted as it was by war by the Americans, and suspended as it was by the English, making peace without including the Americans, was the best, if not the only way in which the question could

be peaceably and permanently disposed of. Great Britain was in no temper to yield. The American commissioners went to Ghent, and there held their first conference with the British without their instructions of the 25th and 27th of June, 1814, authorizing them to yield, which did not reach them till after that conference. Their orders were to require stipulations, by treaty, against the principle of impressment, and to insist on the cessation of its practice. The British commissioners followed ours to Ghent, instructed not only to yield nothing, but to demand large concessions from us. The Admiral Gambier, who commanded the bombardment of Copenhagen, well represented the mighty, haughty, and confident determination of his great country, by enormous exactions, to protract the negotiation, while, by invasion, New York and the war-supporting States should be cut off from New England, Baltimore captured, or peradventure Washington, Louisiana subdued, and perhaps transferred by Spain to England, or exchanged for Cuba, and the conquered part of Massachusetts annexed to British-American dominion, without suffering the right to it to be discussed. Blows were to be struck by British forces in America, as fatal and memorable as those inflicted by their stipendaries on subjugated France. American republicanism was to be chastised and crushed, like French jacobinism. Great Britain, greatest of the great European empires, by means of her intangible insularity, inexhaustible credit, and marine ubiquity; more terrible as assailant, less vulnerable as defendant, than any other power; concentrated all her force, energy, indignation, and pride, to expel the United States from the lakes, from the fisheries, from colonial trade in the East and West Indies, to mutilate their territories by reduction of one-third, to set up their Indian borderers as intestine tormentors, to dictate such a peace as should deter and disable this country from ever again venturing war with that.

From such an enemy to extort, persuade, or by any means obtain explicit relinquishment of her alleged right to compel the service of her subjects, and for that purpose to take them, wherever found, in American vessels as elsewhere, was impos-

sible — at that moment a hopeless and absurd attempt. But, after repelling that pretension, as had been done, in arms, to cease further conflict, when England herself put a stop to her belligerent right of impressment, was a resulting consummation worth much more than all the bloodshed and all the charges of the war; constraining neither belligerent to record, by treaty stipulation, any mortifying concession. Even without our land-victories of Plattsburg and New Orleans, it was pacification consecrated to us by constant naval triumphs. Requiring nothing more than peace, without a single point yielded by Great Britain, was no dishonor to her. Fortunately, our successes during the negotiation illustrated the treaty, and rendered it infinitely more conservative than any written engagement, however sanctified, as treaties used to be, by oaths. It put an end to impressment, not only at sea on board American vessels, but probably at home in British ports. The British navy, to cope hereafter with the American, was taught that it must add moral to physical strength; the British tar must be not only able, but willing to serve, and not merely brave, but cordial in action; not seized along shore, forced to ship, and flogged to fight. To the honor of that great nation, the British navy has been as much improved by disaster in war, as the American has been established by success. The good sense of two free nations, kindred, but rival and, as all experience proves, not because kindred the less apt to quarrel, appears in mutual conformity to circumstances; and great has been the consequent advantage of each to the other, but most signally of this to that, both by the war for sailors' rights, and the peace which sailors and soldiers made. Neither at Ghent, at London, nor at Washington, was peace made, but on the ocean, on the lakes, and in battle-fields. And, as is common, misfortune has done more to improve the British navy, by changing its condition, than success has done for the American navy, which may yet have to undergo its period of tribulation, like American commerce prior to that war, in order to its greatest advancement.

When the first conference took place, the 8th of August, 1814, at Ghent, the American commissioners, not having re-

ceived their instructions of June, 1814, changing those of April, 1813, and January, 1814, met the British commissioners, without authority to yield any thing. They were to require impressment not only to cease in practice, but to be relinquished in principle; blockade and search to be defined and arranged; and to demand, though not peremptorily, indemnity for spoliations. The British commissioners preluded the conference with expression of the sincere and earnest desire of their government that the negotiation might result in a solid peace, honorable to both parties. Furthermore, they declared that no events which had occurred since the first proposal for the negotiation had altered the pacific disposition of their government, or varied its views as to the terms on which they were willing to conclude the peace. Extremely dishonorable and impracticable terms thereupon demanded, *sine qua non*, at that first conference, showed that British ideas, then, of solid and honorable peace, contemplated the United States yielding the point for which they went to war, and making other humiliating concessions, satisfied if their independence was not demanded, but left with, however, reduced territories, restricted commerce, no fisheries, and enfeebled ability for hostilities. They were to be left sovereign, but no more. Not to be recolonized was as much as they had any right to expect; but punished, mutilated, humbled, and enfeebled they must be. Such was the prevailing English sentiment, and their minister's determination. Otherwise their preliminary professions and exactions at Ghent were mere double-dealing contrivances to provoke rejection and protract war. It must have been confidently believed that the United States would yield to the enormous demands made, if those demands were made in good faith. As consigned to the protocol settled by both parties they were, that peace should be extended to the Indian allies of Great Britain, and that the boundary of Indian territory should be distinctly marked out, as a permanent barrier between the dominions of Great Britain and the United States. The arrangement on that subject was an ultimatum, *sine qua non*. It was the preliminary basis of any peace. All discussion would be fruitless, the British commissioners said, without

first settling that basis. Although the British mentioned impressment as their first subject, yet the Americans did not understand them to intimate that the British government proposed that as a point they were particularly desirous of discussing; but, as it had occupied a prominent place in the dispute between the two countries, it necessarily attracted notice, and was considered one that would come under discussion. But that not dwelt upon by the Americans, hardly adverted to again, never discussed or considered at all, the subject of Indian boundary, indistinctly stated when first proposed, the British explanations of it obscure, always given with reluctance, and from the first the requirement declared to be *sine qua non*, so as to render any discussion of it unprofitable, until it was admitted as a basis, was the first, and for a long time the only question. As explained and connected with the right of sovereignty ascribed to the Indians over the country, that peremptory and preliminary ultimatum amounted to the absolute cession of American rights both of sovereignty and soil. Impressment discarded, search, blockade, commerce, scarcely alluded to, and never considered, the double *sine qua non* for Indian peace and Indian boundaries usurped the whole conference, not to be discussed, but conceded. To that the British, at the first meeting, added, as another demand, a revision of the boundary line between the British and American territories, with a view to prevent further uncertainty and dispute; and they gave notice, that the Americans would not be allowed the privilege of landing and drying fish within the territorial jurisdiction of Great Britain, without an equivalent. Announcing those terms, the British commissioners assumed the initiative as complainants or demandants at the first conference, which, after that preliminary ultimatum, was adjourned till next day, without any statement of the views or terms of the American mission.

That evening, after the first and startling conference, they received their altered instructions of June, 1814, which, though nothing was said as to Indians, or boundaries, or as to fisheries, except positive orders not even to discuss them, authorized the American ministers to make peace without any

provision for impressment, commerce, or indemnity — to make mere peace by merely putting an end to war. For that conclusion the British were by no means willing. They had not then heard of even Brown's successes in Canada. Prevost's reverses in Vermont did not occur, or Ross's repulse and death at Baltimore, till some weeks afterwards; nor the censures teeming from most of the capitals of Europe on the solitary British triumph that year in the sack of Washington. The information of Mr. Gallatin and Mr. Bayard that England would yield nothing, and that the United States must consent to peace without any British concession, or undergo furious hostilities, being confirmed by the President's directions to the mission conforming to that altered state of hopes, fears, and affairs, our ministers asked for a meeting next day, the 9th of August, for conversation, which took place, but with no improvement on the day before. The British were lofty and inflexible. Extremely anxious to prevent the sudden close of the congress, after diffidently submitting for consideration a definition of blockade, and, as far as might be mutually agreed, a definition of other neutral and belligerent rights, together with claims for indemnity in certain cases of capture and seizure, the Americans invited statement and discussion of the British points, which the Americans, declaring that they had no instructions, yet were willing to submit to their government for consideration. Striving to no purpose to persuade the British that the American government had always treated the Indians kindly, always endeavored to be at peace with them, and had appointed a commission which had then probably made peace, our ministers did not hesitate to say, that they should deeply deplore a rupture of the negotiation on any point; that it was their anxious desire to employ all possible means to avert an event so serious in its consequences; and that they had not been without hopes a discussion might correct the effect of any erroneous impression which the British government might have received on the subject which they proposed as a preliminary basis.

Thus the two first conferences were extremely unpromising. The questions which the American mission crossed the Atlantic

to discuss were not allowed by the British to be argued, but supplanted by unexpected and wholly inadmissible British demands. Pursuant to agreement at the second meeting, there was a third, on the 10th of August, not to propose or debate any thing, but merely to submit statements, in order to settle a protocol of the proceedings of the two first conferences; and even that proved no easy matter. The British objected to the insertion of their answer to the American question respecting the effect of the proposed Indian boundary, and the statement that the second conference was adjourned until they could consult their own government. The Americans openly, earnestly, and anxiously deprecated a rupture of the negotiation, for any cause, on any point; entreated, though uninstructed, discussion of whatever novel and unexpected demand the British might make, and offered to refer it to their government for consideration. The British would not discuss any maritime question till their territorial exaction was first entertained; insisting on some provisional arrangement of that to precede all mention of any other subject; nor must it be consigned to the registry of a protocol that they wanted time to consult their government about it. They were ready for rupture, without hesitation. Finally, an abridged protocol was settled, but much changed from that proposed by the Americans. The British despatched, that evening, a special messenger to London; and, after ten days' delay, the successful and commanding British prime minister, who had de-throned Napoleon, appeared at Ghent, peremptorily to remove every doubt as to British ideas of solid peace with the United States on terms equally honorable to both parties. They were so degrading and insulting, that, while at Ghent they dis-abused our mission of all delusive hopes of peace, when published at Washington, they roused and nearly united the whole American nation to the necessary war-spirit, and, when republished in Europe, induced the allies of Great Britain to contrast her lofty pretensions with her frequent defeats.

Offensive as the substance of these demands was, there was in the manner of their presentment remarkable indication of that British haughtiness, which insular security from

attack and ages of successful warfare have together impressed on the English character, both individual and national, manifested throughout Europe and America, Asia and Africa. Lord Castlereagh arrived from London in Ghent the night of the 18th of August, 1814, on his way to Brussels and the Congress of Vienna, where all the sovereigns, great and small, of Europe were to assemble, in congress, to distribute the spoils of their victories. Without British gold, British insular constancy better than gold, and, it may be added, without such a prime minister as Castlereagh, less adroit than Walpole, less eloquent than either Pitt, less wise than many other British statesmen, but more resolute and fearless than most, and more fortunate than all, Great Britain's stipendiaries would probably have never met their paymaster at Vienna, to distribute those spoils. His transit by Ghent was to enable that polite, fearless, haughty, exalted, and fortunate minister of Britain, with revengeful contempt for America, in person and by peremptory order, in face of all Europe, and on his way to the congress of all its sovereigns at Vienna, to dictate humbling peace to Madison, as at Chatillon, not long before, he did to Bonaparte, when, perhaps, Wellington hesitated. As the American commissioners had, perhaps, affected to be surprised at the terms obscurely, if not diffidently, laid down as the British ultimatum, announced at the first conference, the Irish ruler retorted what he deemed impertinent surprise by loftier exaction. On the 12th of August, when the British mission proposed a suspension of the conferences until they received an answer from their government, it was understood that each party might call a meeting whenever either had any proposition to submit. Accordingly, at one o'clock on the 19th of August, the British secretary summoned the Americans to meet the British in two hours, that day at three o'clock, having received, the secretary said, their further instructions that morning. Lord Castlereagh, surrounded at breakfast by numerous attendants, civil and military, on the prime minister of really the greatest, in his and their opinion, transcendently the greatest empire of the world, in the soft and passionless mood by which his lordship's imperious commands were imparted, inti-

mated that American surprise must be met by harder conditions. A meeting was to be forthwith called, and peremptorily, not to modify or mitigate, but increase and specify demands; not to make peace, but break up the negotiation, unless the Americans submitted at once. They dreaded a rupture. What had Great Britain to dread? Whatever extenuation there might be for English impressment of their natives from American vessels, seldom has grosser outrage been perpetrated than the acknowledged seizure, confinement, and compulsion to fight against their country, of several hundred unquestionably Americans; nor ever was viler enormity than arming the ruthless savages to murder Americans resisting such a wrong. But when the two missions met, that afternoon, the British began by surprise that the American government should expect that of Great Britain would leave their Indian allies, in their comparatively weak situation, exposed to American resentment. The least Great Britain could demand was, that the American ministers, without instructions, should sign a provisional article, admitting the principle, subject to the ratification of their government. On their assent or refusal to admit such an article would depend, said the British, by Castlereagh's fresh orders, the continuance or suspension of the negotiation. It was a *sine qua non* that the Indians should be included in the pacification, and, as incident thereto, the boundaries of the two countries permanently established, by revision to cut off about a hundred thousand citizens of the United States and one-third of their territories. They were not only to keep no armed naval force on the western lakes, from Lake Ontario to Lake Superior, nor any fortified or military post or establishment on the shores of those lakes, but to discontinue those then there. The boundary line west of Lake Superior, and thence to the Mississippi, was to be revised, and the treaty-right of Great Britain to the navigation of the Mississippi continued. A direct communication from Halifax and the province of New Brunswick to Quebec must be secured to Great Britain by cession of that portion of the district of Maine, in the State of Massachusetts, which intervenes between New Brunswick and Quebec. The islands in the Passamaquoddy

bay, lately captured from the United States, belonging of right to Great Britain, were not to be subjects of discussion. They belonged to England, said one of the British commissioners, as much as Northamptonshire. When our ministers inquired whether the interdiction of any naval force by the United States on the lakes or their shores was, like that concerning the Indians, *sine qua non*, the abrupt reply, declining more explicit answer, was, that the British ministers had given the Americans one *sine qua non*, and when they had disposed of that it would be time enough to give them another. Finally, after all this catalogue of insolent, absurd, and ignominious requisitions, reverting to the preliminary Indian *sine qua non*, the British concluded by stating that, if the conferences should be suspended by the Americans refusing to agree to such an article, without having obtained further instructions from their government, Great Britain would not consider herself bound to abide by the terms which she then offered, but at liberty to vary and regulate her demands according to subsequent events, and in such manner as the state of the war at the time of renewing the negotiations might warrant.

Rupture contemptuously provoked, conquests threatened by barbarous warfare officially declared, at the same time, from Admiral Cöchrane's ship, near Washington, and executed there, unless the American ministers of peace submitted to what the American executive had no constitutional power, if the inclination, to accept, in another volume, I have characterized, as a huge British blunder, which excited in the American mission indignation as fortunately patriotic and conservative as that which their communication of such ignominious terms spread throughout the American nation. "We need hardly say," was their official letter of the 19th of August, 1814, "that the demands of Great Britain will receive from us a unanimous and decided negative." Before the conference closed, the Americans asked the British, and they promised, to reduce their proposals to writing, before the Americans answered them. Castlereagh's insolent absurdities were accordingly despatched in a note delivered on the 20th, but dated the 19th of August. Its closing menace, to vary the

terms as the state of the war, whenever conferences were resumed, might render advisable, signified, in flagrant anticipation, Ross's conquests in the centre, Prevost's in the north, Pakenham's in the south, Louisiana invaded and subdued, New England separated from the war-supporting States—in a word, the reverse of all the American triumphs then in progress.

There was no protocol of the conference of the 19th of August, 1814; nor any other meeting of the commissioners during more than three of the ensuing months. From the 19th of August to the 1st of December, they did but angrily write at each other. On the 24th of August, 1814, while the British invaders were sacking the American metropolis, our commissioners, in an admirable letter to the British, answered theirs of the 19th of that month, and proposed the basis of peace, to which the latter eventually came. The lake demand, the Indian demand, and the boundary, with eloquent calmness, of invincible repugnance, were not merely rejected, but in high-toned repudiation of all the British exactions. To strike, for ever, the American military flag on the lakes, America never would consent. The ministers had no authority to cede any part of the territory of the United States, and to no stipulations to that effect would they subscribe. "The conditions proposed by Great Britain," added the American note, "have no relation to the subsisting difficulties between the two countries; they are inconsistent with acknowledged principles of public law; they are founded neither on reciprocity nor any of the usual bases of negotiation, neither on that of *uti possidetis* or *status ante bellum*. They would inflict the most vital injury on the United States, by dismembering their territory, by arresting their natural growth and increase of population, and by leaving their northern and western frontier equally exposed to British invasion and to Indian aggression. They are, above all, dishonorable to the United States, in demanding from them to abandon territory and a portion of their citizens, to admit a foreign interference in their domestic concerns, and to cease to exercise their natural rights on their own shores and in their own waters. A treaty conducted on such terms would be but an armistice. It cannot be supposed

that America would long submit to terms so injurious and degrading. It is impossible, in the natural course of events, that she should not, at the first favorable opportunity, recur to arms for the recovery of her territory, of her rights, of her honor. Instead of settling existing difficulties, such a peace would only create new causes of war, sow the seeds of a permanent hatred, and lay the foundation of hostilities for an indefinite period. It is, therefore, with deep regret," said the American ministers, "that they saw that other views were entertained by the British government, and that new and unexpected pretensions were raised, which, if persisted in, must oppose an insuperable obstacle to a pacification. It is not necessary to refer such demands to the American government for instruction. They will only be a fit subject of deliberation when it becomes necessary to decide on the expediency of an absolute surrender of national independence."

Immense as Great Britain then was, formidable, terrible, and threatening; defeated and divided as the United States had been, with a part of Massachusetts subjugated, and nearly all New England disaffected, if not treasonable, that noble letter was a declaration of independence, entitling its signers to national gratitude and historical illustration. But what most signalizes their letter of that crisis is that, together with wise defiance of the British demands, it adroitly embodied the instructions of June, in a well-couched suggestion of pacification, on the basis which the British eventually conceded, but not till after all their mighty projects of conquest and punishment were completely discomfited. "Essentially pacific," said that suggestion, "from her political institutions, from the habits of her citizens, and from her physical situation, America reluctantly engaged in the war. She wishes for peace; but she wishes for it on those terms of reciprocity, honorable to both countries, which can alone render it permanent. The causes of the war between the United States and Great Britain having disappeared by the maritime pacifications of Europe, the government of the United States does not desire to continue it in defence of abstract principles, which have, for the present, ceased to have any practical effect. The Ame-

rican ministers have accordingly been instructed to agree to its termination, both parties restoring whatever territory they may have taken, and both reserving all their rights in relation to their respective seamen. To make the peace between the two nations solid and permanent, the American ministers are also instructed and prepared to enter into the most amicable discussion on all those points on which differences or uncertainty existed, and which might hereafter tend, in any degree, to interrupt the harmony of the two countries, without, however, making the conclusion of the peace at all to depend upon a successful result of the discussion."

After the invariable ten or twelve days' time to send from Ghent to London for instructions, the British commissioners, on the 4th of September, 1814, replied, justifying the Indian *sine qua non* by arguing, and not without reason, that, since the United States had invaded Canada with declared intentions of its conquest and annexation, the American policy could no longer be deemed pacific or defensive, but aggrandizing, as proved by their Indian aggressions and by attempts on Florida and Canada; and, after a full exposition, the note concluded, of the sentiments of his majesty's government, leaving it to the American plenipotentiaries to determine whether they were then ready to continue the negotiations, disposed to refer to their government for further instructions, or, lastly, whether they would take upon themselves the responsibility of breaking off the negotiation altogether. The American negotiators answered this last communication by a somewhat extensive argument; replying to the threatening conclusion of the British note by adhering to their determination not to refer to the American government demands pronounced inadmissible: but declaring their readiness to continue the negotiation, and discuss all the points of difference. On the 19th of September, 1814, the British note declared that its authors were instructed not to sign a treaty of peace, unless the Indians were included, and restored to all the rights, privileges, and territories which they enjoyed in 1811. From that point the British plenipotentiaries declared that they could not depart; but they disavowed that the lake demand was *sine qua non*, and

offered to discuss the boundary question. The Americans, on the 26th of September, 1814, sent a note, largely arguing the Indian question and some others. On the 8th of October, 1814, the British, by an angry note, presented their ultimatum on that question: awaiting, they said, with anxiety the answer of the American plenipotentiaries, on which their continuance at this place will depend: reiterating with much aggravation the charge of American aggrandizement, in the illegal acquisition of Louisiana and of Florida, on the most frivolous pretences; and obviously indicating that, if Louisiana or New Orleans had been taken by the British invaders during that negotiation, they were not to be restored by the treaty of Ghent. Louisiana, part of Massachusetts (which they eventually got, in 1842, by the treaty of Washington), nearly all the West beyond the Ohio, the fisheries exclusively, navigation of the Mississippi, and interdiction of the United States from all Indian purchases, were, till October, 1814, the English basis of the peace of Ghent. The American note of the 13th of October, 1814, refuting the British remarks concerning Louisiana and Florida, accepted the British Indian ultimatum of the 8th of that month. The previous exaction that the Americans should not make purchases from the Indians being relinquished, was no more than a reciprocal stipulation, English as well as American, to put an end, immediately after the ratification of the treaty, to hostilities with all the tribes or nations of Indians with whom they were at war, and forthwith restore to such tribes or nations all the possessions, rights, and privileges which they enjoyed or were entitled to in 1811, previous to such hostilities. Not including, said the American note, the Indian tribes or parties to the peace, and leaving the United States free to effect its object in the mode consonant to the relations which they had constantly maintained with those tribes; partaking, also, of the nature of an amnesty, and being at the same time reciprocal, it accorded precisely with the views uniformly expressed by the American ministers, of placing those tribes precisely and in every respect in the same situation as that in which they stood before the commencement of hostilities. The article

proposing only what the American mission so often assured the British would necessarily follow, and, as was highly probable, had already preceded peace between the United States and Great Britain, they did not object to admit it in substance, subject to the approbation or rejection of their government, which, having given no instructions, could not be bound by any article their ministers might admit on the subject. It was, however, accepted by the Americans, not without much hesitation, as the only alternative for a rupture of the negotiation, and with a perfect understanding that their government was free to reject what their ministers had no authority to subscribe. That ultimatum, *sine qua non*, modified so as to seem harmless, formed an epoch in the negotiation, for the first time putting on a pacific aspect.

Throughout August and September and till late in October, there was no prospect of peace. Neither party knew of what had taken place in America, beyond Brown's Canadian battles of the 5th and 26th of July, and the capture of Washington the 24th of August. Still, the British demands and tone continued offensively inadmissible. Their note of the 8th of October was angry, reproachful, irritating, and peremptory. The American answer of the 13th of October, rather than rupture the negotiation, reluctantly acquiesced in a questionable ultimatum, *sine qua non*, on a subject concerning which our ministers were without instructions; but with that acquiescence coupled a request for the British project of a treaty embracing all the points; engaging to deliver immediately the American counter-project. Just then the British ministry got tidings of their capture of Eastport and Moose island, by the tame submission of the inhabitants to subjugation, and the base welcome of hostile invasion by the constituted authorities of that dishonored State. Taking advantage, thereupon, of an expression in the American note of the 24th of August, that the conditions proposed by Great Britain were not founded on any of the usual bases of negotiation, neither *uti possidetis* nor *status ante bellum*, the British note of the 13th of October, agreeing to every thing else in question, without argument or expatiation, briefly, with seeming amity, artfully accepted the

basis of *uti possidetis*, as if proposed by the Americans, who had positively, frequently, and constantly rejected it. Impressment the British agreed to leave, as suggested by the Americans, on the 24th of August, where left practically by the maritime pacification of Europe. The fisheries they referred to their first notice concerning them. As to the frontier boundaries, they anticipated no objection; and then said, in regard to other boundaries, the American commissioners appearing in some measure to object to the British proposition, as not being on the basis of *uti possidetis*, the British were willing to treat on that basis. They trusted that the Americans would show, by their ready acceptance of it, that they clearly appreciated the moderation of his majesty's government, in so far consulting the honor and fair pretensions of the United States, as, in the relative situation of the two countries, to authorize such a proposition. The American note of the 21st of October, of course, instantly repelled the *uti possidetis*, as all their notes had done, and repeated their request for the British project of a treaty, offering to exchange the American project simultaneously. After ten days, on the 31st of October, the British replied, requiring the American counter-project, before the British would enter on the discussion of the American objection to the British project. Having waived etiquette as to the communication of projects, and their ultimatum as to pacification of the Indians having been accepted, their prior British note of the 8th of October brought forward, they said, all the propositions they had to offer; they had no further demands to make; no other stipulations on which they were instructed to insist; and they were empowered to sign a treaty of peace forthwith, in conformity with those stated in their former note.

This resolution of all disputed questions into *uti possidetis* was no doubt caused by British conquests in Massachusetts, and the acquiescence, which Lord Liverpool stated, in the House of Lords, the conquerors found in the inhabitants. On the 11th of July, 1814, pursuant to notice officially given to the governor of Massachusetts, through the local authorities, the British took possession of Eastport and Moose island.

Their notice declared that the British government intended to take possession of the islands in Passamaquoddy bay, in consequence of their being considered within the British boundaries: but that there was no intention of offensive operations against the people of the continent, who would not be disturbed, if remaining quiet. The people remained only too quiet, under their military and civil leaders of the State of Massachusetts, actively and despicably willing to welcome their British conquerors. More willing submission by many of the vile multitude of titled and ennobled French, who welcomed the Russians and Prussians to Paris, did not disgrace that city, than the British conquerors met at Eastport. Early in September, they completed the conquest of all the islands in Passamaquoddy bay, Washington county, comprehending a hundred miles in Maine: by which shameful American subserviency the British government were, not without reason, encouraged to delude or terrify the American mission at Ghent into a treaty stipulating the *uti possidetis*. The British ministry were well advised, by their military agents, that the American inhabitants cordially welcomed British subjugation of territories to which one of their Ghent ministers petulantly declared they had as good a right as to Northamptonshire.

The army, under Governor-General Prevost, co-operating with the fleet on Lake Champlain, on the first of September, 1814, began its movements from Canada towards Crown Point, confident, as ordered from London, that it would be able to penetrate far enough into the State of New York to separate all New England from the war-supporting States. On the 6th of September, 1814, the army which, led by General Ross and Admiral Cockburn, captured Washington the 24th of August, proceeded, with a large naval force, to the attack of Baltimore. That army and fleet were destined, after the capture of Washington and Baltimore, with large reinforcements from Europe, to invade Louisiana, seize and hold New Orleans, which was deemed the easiest of those three conquests. Louisiana, with much of the cotton-growing region, might have been held by the captors, or transferred by them to Spain in exchange for Cuba, claimed by England as her due for the aid she gave

Spain in expelling the French and saving the Spanish kingdom. Such were the tempting British inducements for making peace at Ghent by a treaty leaving to each belligerent the possessions it should happen to hold when war ended. Unsuccessful as the United States had been in their military attempts in America, and triumphant as England was in her European hostilities, the British ministry were not without reason for considering such terms as solid peace dishonorable to neither party. They left America the naval palm, which was an equivalent for many territorial concessions. When, therefore, the British ultimatum, at Ghent, of a provisional Indian article was yielded by the American mission, subject to the sanction of their government, the British mission, waiving almost every thing else, and refraining from all reproachful and irritating discussion, with bland assurances of their readiness to sign a treaty at once, asked for nothing more than the *uti possidetis*.

Whatever might be the result of invasions in other places, of New York and Louisiana, incursions to Washington and Baltimore, a high-way from Halifax to Quebec was already captured and held by British troops. In their letter of the 8th of October, 1814, the British mission dwelt with reproachful emphasis on the protest of the Legislature of Massachusetts, in June, 1813, as undeniable proof of the avowed design of the American government to conquer and annex Canada. British right to counteract such American aggrandizement was triumphantly pleaded as an American confession. The conquered part of Massachusetts was British territory by prior title, by present conquest, and by the will of the people there. The American mission were sharply told, at Ghent, that it was not debatable ground. In all their prior notes, the British mission disclaimed all desire or idea of territorial acquisition. But, when assured that disaffected Massachusetts joyfully yielded part of her soil, that the inhabitants with alacrity took the oath of British allegiance, that the government of the State favored the British conquest, and that other British forces were marching, with every prospect of success, upon other parts of the United States, the Indians having been provided for, and all maritime questions disposed of, nought

remained so important or captivating as, that each belligerent should, by treaty, be entitled to keep what he had taken. The peace and the treaty would take complexion from military success. Brown's brilliant battles in Canada were known; but they were barren of all but glory, and the only territorial conquests were known to be British.

On the 17th of October, 1814, intelligence reached England of the British reverses, on the 11th of September, at Plattsburgh and Baltimore; armies and fleets all defeated. Still, by their note of the 21st of October, the British mission pressed *uti possidetis*. But just then, the American mission had, however imperfect yet encouraging reports of American victories in September. When, therefore, on the 24th of October, they answered the British note of the 21st of that month, for the first time during the negotiations, the American tone, always firm, rose to comminatory. The British, in August, had threatened that, unless we yielded the Indian *sine qua non* as a preliminary, negotiation must cease. The Americans, in October, retorted that its continuance depended on British adherence to their promises to refrain from all demand for territory repeatedly rejected on our part. American victories, British opposition, and abortion of the Congress of Vienna, had, by that time, wrought great change in the English policy. To the American peremptory rejection of the British possessory basis, with warning that its reiteration would close the negotiation, the British mission, on the 31st of October, replied that they were authorized to waive the etiquette and advantage of a prior American communication; that they had no further demands to make; all they required was delivery of the American counter-project, in the form of articles or otherwise, before the British could take into consideration the American objection to one essential part of the British project.

To that stage the negotiations had reached; *sine qua non* was withdrawn; *uti possidetis* was rejected; the threatening appearances of August had disappeared, when the cartel brig *Chauncey*, detained at Ostend, was despatched for America with the second and more pacific advices, as mentioned in a

former volume of this Historical Sketch. Upon the first despatches, the President, meantime, had taken his stand, by publishing them through Congress, with an appeal to his country, to England, and to the world. On the 19th of October, the Secretary of State wrote to inform our ministers at Ghent of that exposure of British pretension, and that several copies of the correspondence were forwarded for dissemination in Europe. There, as in America and in England, that bold departure from ordinary diplomatic routine worked the desired effects. The British parliament and people, and the American nation, were shocked at intolerant terms, which, as Alexander Baring said in Parliament, were as absurd, without victory to sustain them, as they were unjust at all events.

On the 25th of October, 1814, our commissioners wrote from Ghent, "Our request for a project of a treaty has been eluded, and, in their last note, the British plenipotentiaries have advanced a demand, not only new and inadmissible, but totally incompatible with their uniform previous declarations, that Great Britain had no view, in this negotiation, to any acquisition of territory. It will be perceived that this new pretension was brought forward immediately after the accounts had been received that a British force had taken possession of all that part of the State of Massachusetts situate east of the Penobscot River. The British plenipotentiaries have invariably referred to their government every note received from us, and waited the return of their messenger, before they have transmitted to us their answer; and the whole tenor of the correspondence, as well as the manner in which it has been conducted on the part of the British government, have tended to convince us that their policy has been delay. Their motives for this policy we presume to have been to keep the alternative of peace, or of a protracted war in their own hands, until the general arrangement of European affairs should be accomplished at the Congress of Vienna, and until they could avail themselves of the advantages they have anticipated from the success of their arms during the present campaign in America."

Great Britain, by superior resources, insular power, and representative government, had reduced the Old World to peace; for which the advocates of Continental war had promised relief, repose, and prosperity. Incredible expenditures, taxes which only popular representation could extract from any nation, overcame French immensity of despotism. But, when the day of respite and reckoning came, there was no relief from inordinate taxation; which, on the contrary, was aggravated by an income-tax, galling the necks of the well-born, yoked to burdens mostly borne by the mass. Income-tax argued peace with America; for, with peace, relief from it was promised. Why should war be protracted with a distant people, not from any maritime dispute, but for territory, for Indians, and for vengeance — to remove Madison and to punish democracy? The attempt had already proved disastrous. British defeats disparaged Great Britain at the Congress of Vienna. There was no plea for war, unless at sea, to reverse admiralty direction to decline equal combat with American cruisers, of whom dread had become the order of the day and nightmare of the sailor's hammock in the once mighty wooden walls of Old England. "Are we," said that sturdy opposition by which in turns party in England often saves the country, "are we to abandon the sceptre of the seas, at the same time that we endure enormous burdens to conquer more transatlantic territory? The infatuation which lost us our American colonies — is it to establish manufactures, discipline armies, and create a navy there?"

Both missions at Ghent, American nationality, British good sense, all European perception, felt the total change in a conflict, when Great Britain endeavored, by territorial conquests, to crush American efforts to free the ocean. Mr. Adams wrote from Ghent to his father, the 27th of October: "The situation in which I am placed often brings to my mind that in which you were situated in 1782. I am called to support the same interests, and, in many respects, the same identical points and questions. The causes in which the present war originated, and for which it was on our part waged, will scarcely form the most insignificant item in the negotiation for peace. It is not

impressment and unalienable allegiance, blockades and orders in council, colonial trade and maritime rights, or belligerent and neutral collisions of any kind, that form the subjects of our discussion. It is the boundary, the fisheries, and the Indian savages." Calhoun said the same in Congress. It was obvious to all, in both Europe and America, that Great Britain was trying, in 1815, to do what she totally failed to effect in 1782. Public sentiment was against that attempt, which, fortunately for this country, elicited national prowess to corroborate the otherwise less honorable or durable treaty of peace. The might of Great Britain never was mightier than in 1814. With a revenue of five hundred millions of dollars, a fleet of a thousand vessels of war, she unfurled the British banner in victory, during the same twelve months, at Vittoria, at Toulouse, at Washington, and at Waterloo. But, just at that epoch of tremendous culmination, when fortune frowned on the same glorious banner at Plattsburg, at Baltimore, and at New Orleans, was the very moment for this country to make peace; and, by transcendant good luck, our mission at Ghent, after resisting, not unterrified, nor quite unshrinking, the demands by which the British prime minister in person there stirred up American independence, the terms of treaty ultimately adopted by Great Britain were presented by the American mission, the 24th of August, while the only successful British army in America was sacking Washington.

In a former volume, I have stated how firmly our ministers, at the outset of their negotiation, resisted even a merely formal concession to the British. I have, since its publication, been assured that, with the first despatches sent by Mr. Dallas, breathing nothing but war and destruction, Mr. Clay wrote a private letter to Mr. Monroe, giving his reasons for believing that peace would soon take place, and upon terms satisfactory to him and those who with him assumed all the responsibilities of the conflict: confident that England would recede from her exactions. When the early conferences were most hostile, and the British ultimatum was thrown on the table with haughty defiance, Mr. Bayard asked if they had any more ultimatums.

While the American and British commissioners were negotiating at Ghent, another and more imposing congress was convened at Vienna, of which a cursory view belongs to this narrative. From Ghent, Lord Castlereagh proceeded to Vienna, the representative of the only one of the crowned heads there assembled not at peace with all the world. The war of Great Britain with the United States was the only hostile conflict which disturbed otherwise universal peace, restored by brief and final outburst of universal hostilities, the last act of a long era of exterminations. England appeared at Vienna still and alone belligerent, and that for the dominion of the seas. The American ministers at Ghent had no correspondence with Vienna. Captain Shaler, sent with them for any clandestine purpose, was to have gone to Vienna, ostensibly as a mere private traveller, but in fact as the American secret agent there; but he was not sent; and the only reliable information of the American mission at Ghent was what little Mr. Crawford could furnish from Paris. It was obvious, however, that the Congress of Vienna was a convention of crowned heads which could never harmonize. The Emperor of Austria, at his own expense, entertained all the sovereigns, princes, ministers, and their generals, with one hundred thousand attendants crowding his capital. The surface of their congress was splendid; but furies of dissension and overreaching serpents lay beneath the roses. Meeting was put off from day to day, week to week, and month to month, from September, the appointed time, nor was organization possible, till Napoleon called to order. An official letter from the American mission at Ghent, of the 25th of October, thus intimated their impressions:—

“Although the sovereigns who had determined to be present at the Congress of Vienna had been several weeks assembled there, it does not appear by the last advices from that place that the Congress has been formally opened. On the contrary, by a declaration from the plenipotentiaries of the powers who were parties to the peace of Paris, of the 30th of May last, the opening of the Congress appears to have been postponed till the first of November. A memorial is said to have been presented by the French ambassador, Talleyrand, in which it is declared that France, having returned to the boundaries in 1792, can recognise none of the aggrandizements of

the other great powers of Europe since that period, although not intending to oppose them by war.

"These circumstances indicated that the new basis for the political system of Europe will not be speedily settled, as had been expected. The principle thus assumed by France is very extensive in its effects, and opens a field for negotiation much wider than had been anticipated. We think it does not promise an aspect of immediate tranquillity to this continent, and that it will disconcert, particularly, the measures which Great Britain has been taking with regard to this country, among others, and to which she has attached, apparently, great importance."

France, conquered, paralysed, and mortified, unable to display armed force at Vienna, appeared there by a principle more powerful than many armies; and America too, though unknown by representation among the potentates, hovered over their heads by another mighty principle. Maritime emancipation from British sway, from her sea-laws and industrial monopolies, were ardent desires of all Europe and settled determinations of many sovereigns. They felt that their commercial interests were identical with those of the United States, and that the American flag was triumphantly vindicating their cause from British supremacy. Europe, not by alliances or treaties, but virtually, divided itself into continental and maritime, as soon as Napoleon was dethroned, by forcing his continental system; and the greatest continental power was at the head of the commercial system. The Emperor of Russia was resolved to maintain peace and liberalize commerce. Nor was there a nation represented at Vienna that had not humiliating recollections of English maritime wrongs. Holland, Denmark, Naples, Spain, France, all had suffered by English sea-domination. The transatlantic people therefore, republican though they were, and unseen by any agent at Vienna, were felt there by their cause and the triumphs achieved by themselves in its vindication. Without those triumphs by sea and land the cause would have been less welcome. But they gave it weight; and Ghent was influenced from Vienna. After the treaty was signed, Mr. Gallatin wrote to Mr. Monroe that "the British government long fluctuated on the question of peace. A favorable account from Vienna, the report of some success in the Gulf of Mexico,

or any other incident, might produce a change in their disposition."

"Of the probable result of the Congress of Vienna we had no correct information. The views of all the European powers were precisely known, from day to day, to the British ministry. From neither of them did we, in any shape, receive any intimation of their intention, of the general prospects of Europe, or of the interest they took in the contest with Great Britain. I have some reason to believe that all of them were desirous it might continue. They did not intend to assist us. They appeared indifferent to our difficulties. But they rejoiced at any thing that might occupy and eventually weaken our enemy."

The conclave of sovereigns, met as victors to divide the spoils, could agree in no partition. The rapacities of Napoleon and Alexander at Tilsit and Erfurth were outdone by the former's imperial and royal conquerors at Vienna. The dominant powers, Russia and Great Britain, were insatiable, intractable, and unassailable. No power, no coalition, could deprive Great Britain of Malta, Heligoland, the Cape of Good Hope, and other marine footholds, by which the mistress of the seas belts the globe. Asiatic Russia put her foot on the neck of Poland, where the Archduke Constantine openly threatened that, with five hundred thousand men in arms, he would cut short any question of Russian right. Austria insisted on more of Italy, Prussia on more of Saxony and some of France. Sardinia coveted Genoa. Numberless petty sovereignties, trampled to pieces by the iron hoofs of French conquerors, clamored for restoration. France, reduced to her old monarchical limits before revolution, republicanism, and empire enlarged them, protested against aggrandizement of other powers. "Almost every power at the Congress," said the London Times, as late as the 30th of December, 1814, "seems to have its separate views, and we are sorry to say that they seem almost all to be equally selfish and equally to set at defiance their pretended principles of equity and moderation." The views thus denounced were unfavorable to England. Castlereagh and Wellington found Talleyrand, Metternich, and Nesselrode quite forgetful of the subsidies with which England had supported successive coalitions. While a French soldier was enthroned, in place of the lineal heir of Gustavus Vasa, as

King of Sweden, a Bourbon monarch was dethroned from Etruria. Murat, solemnly assured by treaty of the throne of Naples, for betraying Napoleon, was cast out, hunted, and shot like a wild beast. Talleyrand, representing the Bourbon monarchs of France, Spain, and Naples, fomented maritime jealousy of England and continental fear of Russia. Napoleon at Elba being too near Italy, within hearing of France, treaties with him were to be violated by his relegation to St. Helena. The despotic aggrandizements for which he was condemned and incarcerated were exceeded by his imperial and royal executioners by Castlereagh, Nesselrode, Metternich, and Talleyrand, more inordinate in council than Napoleon in arms. Castlereagh could not dictate at Vienna, as he did at Chatillon and attempted at Ghent. The Emperor Alexander did not like either British or Bourbon rule; would not learn policy or accept peace as British and French ministers inculcated. Resolved to keep the peace and to keep Poland, to re-establish a continental system and check Great Britain, he contemplated even that great German Empire by which all the German States, united under one sovereign, should form a central, solid keystone to the arch of European edifice, too strong to serve as a theatre for either French or English management of European politics. England apprehended hostility from the northern maritime powers, unable to resist her by war, but by commercial restrictions, and except at sea, the strongest. England might weld Holland with Belgium, under a British prince, as a bulwark against France. But Belgian habits and prejudices forbade the shortlived amalgamation. Metternich and Talleyrand strove to render France harmless, if not impotent, by giving her in custody to Bourbon keepers, incapable of controlling such fierce and restless subjects. Nesselrode wished to render France respectable, to check Austria and England. In short, without entering into further details, these mere glimpses of the Congress of Vienna may suffice to show that its distractions threatened to break up the meeting of potentates. A letter from Vienna, published in the London Chronicle and republished at Ghent, stated that "the Congress would be obliged to dissolve, without coming to any definitive

arrangement; not with an intention of renewing the war, but to reassemble anew, in order to form a great European Convention, to devise the means of reorganizing twelve States to be united in Europe." Beginning all smiles and hopes, the Congress of Vienna was about breaking up, with frowns and threats, in hopeless discord, just as the Congress at Ghent, which began with angry quarrels, was closed in peace. Lingering and feasting at the German capital, tarrying at Vienna, from September, 1814, to March, 1815, at an expense of many millions, wrung from poor Germany, to defray the magnificence which decorated monarchical anarchy, the agrarian Congress, at last, was about to break up in confusion and appeal to the last resort of kings, when suddenly seized and terribly held together, panic-struck, by Napoleon. Alexander, always sympathizing with him, held the Bourbons in sovereign contempt, and intimated to the companion of all his recreations, Eugene Beauharnois, that it was designed to violate the treaty of Fontainebleau, and forcibly relegate Napoleon to St. Helena. Apprised by his stepson of that perfidy, he instantaneously took his departure from Elba. When the tidings first electrified Vienna, the sovereigns were solaced with the belief that he had gone to Italy or Egypt. But, a few nights afterwards, it was whispered, at Prince Metternich's ball, that the object of their dread had been enthusiastically welcomed in France. To abandon the despised Bourbons, subjugate and partition France, were the first ideas of the Congress of Vienna. But our American denizen, Talleyrand, succeeded in convincing the potentates that to abandon the legitimate king of France was to relinquish the principle of legitimacy everywhere, and that war for Louis was vindication of their own crowns. With that selfish consideration, Napoleon was outlawed, by the decree which armed all Europe against a single individual. His outlawry and capture pacified and localized the coalition of his conquerors: but not until most of them promised their subjects constitutional liberty as part of the wages of their services in Napoleon's overthrow: in his very downfall, heir of that French revolution, of which as child

and champion he laid the broad foundation by sovereignty of people to supplant divine right of kings.

His overthrow, however, did not establish British marine-sway. A London journal of October 28th, 1814, stated that "a select committee would be moved, during the ensuing session of Parliament, to investigate the state of the navy, both in its civil and military branches, and in its entire internal economy; also, with a principal view to counteract the causes of American abduction of our seamen. Let us hope that this interesting subject will meet all that close attention and research which its great importance demands, and particularly in the present state of the world, when, in addition to the rising transatlantic navy, such marked and direct jealousy of our naval ascendancy is evidently evincing itself in every cabinet of the continent of Europe, and when, under our very eyes, the various maritime powers of the globe are, at this moment, ardently straining every nerve to re-establish their marine, in order to dispute with us the trident of the ocean, and to force on us their own construction of maritime laws."

Dread of British naval domination was as natural, as rational, and as universal as that of French continental aggrandizement. The United States had allies everywhere for the restoration of the ancient, recognised, and pacific laws of the sea, which Great Britain had so long trampled upon by ages of unjust but triumphant wars.

From the date of the British note of the 31st of October, at Ghent, assuring the American mission that the British mission were authorized to state distinctly that they had no further demands to make, but empowered to sign a treaty of peace forthwith, difficulties rapidly disappeared, and, in a few weeks, solid and honorable peace ensued.

But, just with that note, unexpected embarrassments sprang up in the American mission. Local and sectional diversities, which everywhere in the world antagonize North and South, but in the American Union rebuke instinctive aversion by overruling community of dependent continental and national

interests, instigated conflict between Mr. Adams, urging the north-eastern fisheries, and Mr. Clay, espousing the navigation of the great western waters. The British note of the 31st of October, professing readiness to sign a treaty forthwith, asserting no further demands, calling for the American project of a treaty, and taxing our mission with hesitation to produce it, compelled them to daily sessions among themselves, during the earlier part of November, first, to determine whether they would submit a counter-project, when their adversaries, who demanded it, had presented none themselves. That point of form, like many matters of substance, was yielded for peace. Their note of the 10th of November expressed surprise that the British considered their note of the 21st of October as the project of a treaty to which the Americans were pledged to return a counter-project. But believing, the American note added, that when both parties are sincerely desirous of bringing a negotiation to a happy termination, the advantage of giving or receiving the first draft is not of a magnitude to be made a subject of controversy, and convinced that their government was too sincerely anxious for that auspicious result to approve of its being delayed for a moment upon any question of etiquette, the American counter-project was communicated, in the form of a treaty, complete in fifteen separate articles; embracing cessation of hostilities, restoration of places and property, commissions for settling boundary lines, fixing a western frontier, the Indian preliminary as required by the British, impressment, search, blockade, indemnities, prisoners, provision for persons who during the war had changed sides, and a period for exchange of ratifications.

Sixteen days after receiving that, the only project of a treaty drafted by either party, having meantime sent it to London, the British returned it and their note of the 26th of November, with many articles rejected as inadmissible, others modified or materially altered, the maritime questions all cast aside, except fisheries, before excluded, and a demand of the Mississippi. Two days before the Americans received that answer, they got fresh instructions, by Mr. Monroe's short

letter of the 19th of October, authorizing them to make the state before war the basis of a treaty. That basis had been proposed, by anticipation of the instruction, by the American note of November 10th, accompanying the project, declaring the readiness of the American commissioners to extend the principle of mutual restoration of territory to other objects in dispute between the two nations, and to sign a treaty placing the two countries, in respect to all the subjects of difference between them, in the same state they were in at the commencement of the war, reserving to each party all its rights, and leaving whatever might remain of controversy between them for future pacific negotiation. The American reply of the 30th of November agreed to most of the alterations, suppressions, and suggestions margined by the British and returned, the 26th of that month, on the American project; and asked a conference, which the British immediately fixed for next day, the first of December, requested by the Americans, to discuss the points they indicated as debatable.

An article, the 8th of the American project, proposed a line from the north-western point of the Lake of the Woods until it intersect the forty-ninth parallel of north latitude, and along that parallel west, as the dividing line between the territories of the United States and Great Britain, to which article a British marginal amendment, after changing the demarcation, added, that British subjects should at all times have access from their territories, by land or inland navigation, into the territories of the United States to the river Mississippi, and enjoy its free navigation. Thus the question, on which the American mission was perhaps irreconcilably divided, was put directly before them, for their unavoidable determination. At the first conference, on the 8th of August, the British ministers, then in their haughtiest, most triumphant and rapacious mood, insisted that the American fishermen's privilege, as stipulated by the treaty of 1783, to dry and cure fish on the British shores, was a grant by that treaty forfeited by the war of 1812. And now they repeated the demand for the navigation of the Mississippi, dictated the 19th of August, by

Castlereagh's personal direction at Ghent, as an indispensable requirement. More than one member of the American mission, and on more than one occasion, Mr. Adams, as his subsequent controversy with Mr. Russell published, signified his determination to decline signing the treaty, if particular measures proposed by the British plenipotentiaries should be acceded to by a majority of the American mission. A refusal of any one member to concur in any measure would have induced the majority at least to reconsider and in all probability to cancel their vote; and to that disclosure, made by one of the contestants, it may be added that the majority fluctuated. The minority avowed, and insuperable was Mr. Clay, who insisted on refusing British navigation of the Mississippi; and Mr. Russell coinciding, but by less pronounced opposition. Mr. Gallatin, trans-Alleghanian, and who, in the territorial development, then so far short of what it has since become, of the United States, might be deemed a citizen of the West, sided mostly with Mr. Adams, on the question between the fisheries and the Mississippi. Mr. Bayard took his stand, and shifted it, as seemed best to prevent dissension in the American mission, and to counteract the efforts of the British. The contest was one of the many wherein the minority constrains a majority to give way. Each of the five members of the American mission put his signature to official papers which he did not entirely approve, but acquiesced in, rather than distract the negotiation. Far removed from the fountain of their information and instructions, the Americans were often obliged to act without knowing the state of public affairs, public opinion, or the desires of their government; and to counteract the British mission, constantly apprised of what was occurring at London, at Vienna, and even in America, much sooner and better than the American mission. While the majority of the American mission changed sides as necessity for union clandestinely required, the British mission changed tone and terms according to every variation of European crisis disclosed at Vienna, or British sentiment transpiring in London.

The American instructions of the 25th of June, 1814, were not received by the mission at Ghent till after their first con-

ferences of the 8th and 9th of August, at which the British took the earliest opportunity of announcing their position as to the fisheries: saying that the British government did not intend to grant to the United States, gratuitously, the privileges formerly granted by treaty to them of fishing within the limits of the British sovereignty, or of using the shores of the British territories for purposes connected with the fisheries. Such interdiction might be, and probably was intended to embrace sixty miles of sea, besides the shores of Newfoundland: which would, therefore, bereave New England of much-cherished subsistence, important, if not vital, to the whole United States. France and Great Britain in turn ruled the ocean, as each possessed those fisheries, the great American nurseries of navigation and commerce. To the shores of their territories the British had exclusive right. But, according to the law of nations, the United States, or the people of any other country, had a right to fish at sea on the banks of Newfoundland. The American instructions of June, 1814, were peremptory that, should the British demand surrender of our right to the fisheries, it was of course to be treated as it deserved; not to be brought into discussion; if insisted on, the negotiation was to cease. But by the last instructions, of the 19th of October, 1814, if the British were found disposed to agree to the status ante bellum, the Americans were to understand that they were authorized to make it the basis of a treaty; by which the British treaty of 1783, and the first ten articles of that of 1794, would have been restored: British navigation of the Mississippi, with free ingress to American territories, and free trade with American Indians; and American freedom of drying and curing fish on British territory. Mr. Adams was extremely anxious for the fisheries; Mr. Clay resolved not to surrender the Mississippi; Mr. Gallatin's chief anxiety was for peace, even at some sacrifices; Mr. Bayard shared with him a similar anxiety; Mr. Russell coincided with Mr. Clay, and corresponded with Mr. Crawford, the American minister at Paris, contending that the fisheries were less important than the Mississippi. Mr. Adams insisted that British right to share the navigation of the Mississippi was altogether specu-

lative and imaginary, whereas the eastern interest in the fisheries was of very great importance to the Union. By a homely, gambling comparison, Mr. Bayard called it bragging a million against a cent. The British demand of the fisheries was at first advanced, Mr. Adams said, in the artful and ensnaring form, that the war of 1812 forfeited the British grant of them by the peace of 1783, and that the British would not renew the grant without an equivalent; by which was supposed to be intended the navigation of the Mississippi granted to them in exchange for their grant of the fishing liberty. Fishing at sea was treated as a common right; but drying and curing fish by Americans on British shores, as a fishing liberty or privilege existing only by grant. After much debate, and some discussion in the American mission, Mr. Adams suggested a principle to obviate what he called the insidious British assumption of their right to grant or withhold the fishing privilege. That principle was, that the Treaty of Independence, of 1783, was of that class of treaties, and the right in question of that character, which are not abrogated by subsequent war. The argument of the American mission, to which the British gave no answer, was, that the whole treaty of 1783, by which Great Britain acknowledged the independence of the United States, does not grant, but only recognizes American national sovereignty, which was proclaimed by the declaration of 1776, and established by war. The whole treaty of 1783 is, therefore, an entire and permanent compact, containing the terms and conditions on which the two parts of one empire agreed to constitute, thenceforth, two distinct and separate nations: not like an ordinary treaty, to be abrogated by a subsequent war between the parties. Before the mission adopted that principle, as they did at last, unanimously, there was much division among them, by repeated and thorny discussion in their daily sessions. By the votes of Mr. Adams, Mr. Bayard, and Mr. Gallatin, the project of a treaty was framed, by which the Americans would have all the fishing rights and liberties as theretofore, and the British the right to navigate the Mississippi. But Mr. Clay declared that he would not sign that project; and Mr. Russell sided with him. In order to obviate

the consequences of such a dissidence, Mr. Bayard modified his position, and voted for Mr. Clay's draft of that part of the American letter of the 10th of November, accompanying the project of a treaty, which, adopting Mr. Adams' suggestion, said, in answer to the British declaration respecting the fisheries, that the American mission were not authorized to bring into discussion any of the rights or liberties which the United States had theretofore enjoyed in relation thereto. From their nature, and from the peculiar character of the treaty of 1783, by which they were recognized, no further stipulation was deemed necessary by the government of the United States to entitle them to the full enjoyment of all of them.

The British note of the 26th of November, returning the American project, having required the navigation of the Mississippi, and the American answer of the 30th of that month, asking a conference, it took place next day, the 1st of December, when the Americans left with the British, for consideration, an amendment to the 8th article, granting the fishing liberty to the United States, and the Mississippi navigation to Great Britain, as by the treaty of 1783, but with modifications of the latter. At a conference on the 10th of December, the British proposed articles stipulating that the United States and Great Britain should enter into negotiation respecting the fisheries, and respecting the Mississippi; which negotiation, by a note of the 14th of December, the Americans declined as unnecessary; stating that the article they had proposed, they viewed as merely declaratory: but they did not want any article on those subjects, and had offered to be silent respecting them. The British note of the 22d of December made no difficulty in withdrawing their article; but, returning to their declaration at the conference of the 8th of August, that the privileges of fishing within the limits of the British sovereignty, and of using the British territories for purposes connected with the fisheries, were what Great Britain did not intend to grant without an equivalent, they were not desirous of introducing any article on the subject. Thus the difficult questions of the fisheries and the Mississippi disappeared from the negotiation, and proved no obstacle to speedy peace at that

time, much desired by both parties. Subsequently, during his mission in England, Mr. Adams had the satisfaction to prepare a treaty, completed, on the 20th of October, 1818, by Mr. Gallatin, then minister in France, and Mr. Rush, who succeeded Mr. Adams in the English mission, by which, with Mr. Gouldburn, one of the British commissioners at Ghent, with whom, in 1818, was associated Mr. Robinson, it was settled, that the inhabitants of the United States shall have for ever, in common with British subjects, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Ransau islands; on the western and northern coast of Newfoundland, from the said Cape Ray to the Quinpon islands, on the shores of the Magdalen islands, and also on the coasts, bays, harbors, and creeks, from Mount Joly, on the southern coast of Labrador, to and through the Straits of Belle Isle, and thence northwardly, indefinitely, along the coasts, without prejudice, however, to any of the exclusive rights of the Hudson Bay Company. And the Americans also have liberty, for ever, to dry and cure fish in any of the unsettled bays, harbors, and creeks, of the southern part of the coast of Newfoundland, above described, and of the coast of Labrador. But as soon as any portion thereof shall be settled, it shall not be lawful for the said fishermen to dry and cure fish on such portion so settled, without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground. And the United States thereby renounced for ever any liberty theretofore enjoyed or claimed by their inhabitants to take, dry, or cure fish, on or within three marine leagues of the coasts, bays, creeks, or harbors of the British dominions in America, not included within the above-mentioned limits: provided, that the American fishermen are permitted to enter such bays or harbors for the purpose of shelter or repairing damages therein, of purchasing wood and obtaining water; but for no other purpose, and under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or abusing the privileges thereby reserved to them.

In August, 1817, Mr. Adams was transferred from the

English mission, to succeed Mr. Monroe as Secretary of State, Mr. Monroe having been elected to succeed Mr. Madison as President. In 1822, when Mr. Adams was contemplated as Mr. Monroe's presidential successor, Mr. Russell being then a member of the House of Representatives, on motion of Mr. Floyd, that House requested the President to lay before Congress the correspondence not then made public which led to the treaty of Ghent. A controversy thereupon ensued in the public journals between Mr. Russell and Mr. Adams, concerning the Ghent negotiation, particularly as regarded the fisheries and the Mississippi; in which Mr. Adams' great powers as a controversial writer were signally displayed, to the disadvantage of Mr. Russell, charged by his overpowering antagonist with invidious aggression, perversion, and falsification.

The same treaty of October, 1818, restored, by its second article, a modification of the omitted eighth article of the American project of the treaty of Ghent, fixing the boundaries north-west of the United States and British America from the Lake of the Woods to the Stony Mountains. The third article of the treaty of 1818 made provisional arrangement for ten years' occupation, by the United States and Great Britain, of the country on the north-west coast, westward of the Stony Mountains, since called Oregon, concerning which another treaty between the United States and Great Britain was settled at Washington, on the 15th of June, 1847. The treaty of 1818 furthermore referred to the umpirage of some friendly sovereign or state the claim of the United States for their citizens, as their private property, for the restitution, or full compensation for all slaves who, at the exchange of ratifications of the treaty of Ghent, were in any territory, places, or possessions, directed, by said treaty, to be restored to the United States, but then still occupied by the British forces, whether such slaves were on shore or on board of any British vessel lying in waters within the territory and jurisdiction of the United States. Finally, the treaty of 1818 extended from four to ten years the provisions of a convention signed at London, on the 3d of July, 1815, by Mr. Adams, Mr. Clay,

and Mr. Gallatin, with Mr. Robinson, Mr. Gouldburn, and Mr. William Adams, to regulate the commerce between the territories of the United States and Great Britain—equalizing all but the colonial trade between the two countries. The preamble to the treaty of 1818 truly recited that the United States and Great Britain were desirous to cement the good understanding which happily subsisted between them. For the immediate and permanent effects of the treaty of Ghent, and the war it terminated, were strongly pacific and harmonious; producing such amity as is much to be wished, and always to be sought, between kindred free nations; but such as, without that war, never could have taken place.

The Mississippi question, disturbing the American mission at Ghent, and intractable by them with the British, vanished by the succeeding lights of better geographical knowledge of the vast western country. By that ascertainment, it appeared that the inhabitants of British America had no access to the Mississippi, without rights of way to be conferred on them through territories of the United States, which they had no inclination to part with, and which, if granted, would probably have only embroiled American and English trade, on the western waters, in perpetual conflicts.

By their note of the 26th of November, the British mission relinquished the basis of *uti possidetis*. But, instead of a clear general restitution of captured territory, as offered by the Americans, the British at first wished to confine it to territory taken by either party which belonged to the other. Their object, they acknowledged, was that each party should hold, until decision on the title, all territory claimed by both parties, taken during the war by the possessor. As it was mutually agreed that the title to the islands in Passamaquoddy bay was in dispute, they were excepted from the general provision for mutual restitution by a provision for an amicable settlement of that dispute. The British insisting on that arrangement, for the Americans to reject it would have endangered the whole pacification. The Americans, therefore, submitted, with a clause that their consent was not to be understood as in any manner impairing the right of the United States to

those islands. Mr. Gallatin wrote to the Secretary of State, after the treaty was signed, that "the exception of Moose island from the general restoration of territory being insisted on by the British government, we thought it too hazardous to risk the peace on the question of the temporary possession of that small island, since the question of title was fully reserved; and it was, therefore, no cession of territory." On the 24th of November, 1817, John Holmes, the American, and Thomas Barclay, the British commissioner, appointed under the treaty of Ghent, decided that Moose island, Dudley island, and Frederick island, in the Bay of Passamaquoddy, which is part of the Bay of Fundy, belong to the United States; and that all the other islands in the said bays, and the island of Grand Menan, in the Bay of Fundy, belong to Great Britain. The commissioners also signified to Mr. Adams, Secretary of State, their belief that the navigable waters of the Bay of Passamaquoddy, which by the treaty of Ghent is said to be part of the Bay of Fundy, are common to both parties for the purpose of all lawful and direct communication with their own territories and foreign ports. The territorial contest was thus satisfactorily adjusted.

The eleventh and twelfth articles of the American project of a treaty provided for impressment and blockade. They were both margined by the British as inadmissible; and those causes of the conflict were no more mentioned. The thirteenth article of the American project proposed British indemnities for illegal captures and condemnations before the war; mutual indemnity for losses and damages after its commencement by seizure and condemnation of vessels and cargoes which, in the ordinary course of commerce, happened to be in the ports of the other party; for the destruction of unfortified towns, and the pillage or destruction of private property; and the enticement and carrying away of negroes, contrary to the known and established rules and usages of war between civilized nations. Sixteen days after receiving the American project, with those proposals, all those for indemnities were indignantly rejected by the British government, as so unprecedented and objectionable, applied to the actual cir-

cumstances, as that, by any further perseverance of the American plenipotentiaries in requiring them, all hope of bringing the negotiation to a favorable issue must prove abortive. The British were willing to agree to a stipulation by which it should be provided that the courts of justice in each country should be open to the just demands of the respective peoples, and that no obstruction should be thrown in the way of their recovery of the rights, claims, or debts of any kind. That alternative by the British for the American proposal of mutual indemnity was formally presented by the British at a conference held the 10th of December; but declined, by an American note of the 14th, as unnecessary. The courts of the United States, they said, would be equally open without such stipulation, and they presumed the British courts likewise.

After the British rejection of the American proposals respecting impressment and indemnity for damages prior to the war, the American note of the 30th of November waived those subjects: it being understood that the rights of both powers, it stated, on the subject of seamen and the claims of the citizens and subjects of the two contracting parties to indemnities for losses and damages sustained prior to the commencement of the war should not be affected or impaired by the omission in the treaty of any specific provision in respect to these two subjects. By reason of that explicit reservation, American claims remain valid, as before the war, for irregular and illegal British seizures, captures, and condemnations of American vessels and cargoes. If relinquished, expressly or tacitly, at Ghent, the American nation, through its government, would be answerable for those claims, as recognised by Congress, in 1847, when a bill passed both houses (refused by President Polk on other considerations) for indemnifying American citizens for French spoliations, prior to the treaty of 1800, with France, supposed to relinquish those claims. The ascertainable claims against England must be much larger than those against France. Such claims have been realized against Naples, Mexico, several South American States, and are at this time (1850) prosecuted against Portugal. Time does not extinguish them. Whether recovery of those against England

should be attempted will be a grave question of state-policy. But the debts are justly due to the American sufferers by either the British or the American government. And it is the obvious policy of the latter, never having released, to perpetuate these claims, till allowed by England. English subjects hold claims on several of the American States for debts which, though unquestionably due, are not all of the highest moral, or any of them of national obligation. The United States, as a nation, may not offset claims of their citizens on England against claims of English creditors of American States; yet, in the course of international transactions, the American claims against England may become available to set off against demands that peradventure may be made by England or otherwise. The contingency might occur, when it would be proper to enforce their payment.

Indemnity for losses suffered by American citizens by pillage or destruction of their private property, during the war, contrary to the rules and usages of war between civilized nations, seems to be due to the sufferers by the American government. If so, inhabitants of Washington and of whatever other places, who suffered by such pillage and destruction, have a right to the compensation which their government demanded, and then relinquished, at Ghent. The destruction was not only done, but officially proclaimed by the British perpetrators. There were also seizures of American vessels and cargoes in British ports after the war, for which the American government, having demanded indemnity at Ghent, and then released it, may be liable.

The American project of a treaty proposed as the fourteenth article, which the British marked as inadmissible and rejected, that no resident within the dominions of one of the parties, who had taken part with the other party in the war, should, on that account, be prosecuted, molested, or annoyed, either in person or property; and that all such persons, disposed to remove into the dominions of the other party, should be allowed to sell their property and remove. The British also marked as inadmissible and rejected the tenth article of the American project, stipulating that both parties, by all means

in their power, should restrain the Indians within their dominions from committing hostilities against the other party; and, if war should break out, that neither party would employ the Indians, nor admit of their aid or co-operation. A few years afterwards, the British government peremptorily refused a proposal, urged by the American, to discontinue privateering. Instead of the amelioration of war by sea and land which the suppression of Indian and privateer-hostilities would produce, the British mission, at the conference of the 10th of December, substituted, and the Americans, slightly modifying, adopted, as the tenth article of the treaty, that both the contracting parties shall use their best endeavors to accomplish the entire abolition of the traffic in slaves, as irreconcilable with the principles of humanity and justice. Another treaty between the United States and Great Britain, at Washington, in 1842, stipulated that naval squadrons of a prescribed force shall be kept by both nations, on the coast of Africa, for the suppression of that traffic, which it is now generally acknowledged that the coercion applied by Great Britain to extirpate has but increased and aggravated; and which, if destructible, must be dealt with ashore, in Africa, by better means than at sea by force.

The American instructions, the 25th of June, stated that, by information "received from a quarter deserving attention, the late events in France had produced such an effect on the British government as made it probable that a demand would be made, at Gottenburg, to cede Louisiana to Spain." No such demand transpired at Ghent. But after the American note of the 24th of August, in terms of calm inflexibility, repudiated the British condition dictated by Lord Castlereagh in person there, the 19th of that month, the British reply of the 4th of September introduced the acquisition of Louisiana, and, what it stigmatized as the more recent attempt to wrest by force of arms, from a nation in amity, the two Floridas, which, like the attempted conquest of Canada and progressive occupation of Indian territories, were charged as part of a system of conquest and aggrandizement, with which the British government reproached the United States as an

avowed principle of their policy. In their letter of the 8th of October, that charge was repeated, with the aggravation that the instrument had never been made public by which Spanish consent was alleged to have been given to the cession of Louisiana. His catholic majesty, the British accusation declared, was no party to the treaty of cession; and any subsequent sanction obtained from him must have been involuntary. His minister, Yrujo, formally protested, at Washington, in a letter to the President, against the cession, and against the right of France to make it: in the face of which protest, so strongly marking the decided opinion of Spain as to the illegality of the proceeding, the President ratified the treaty. Although the fact of acquisition was made known by the United States to Great Britain, yet the conditions were not, under which France acquired Louisiana from Spain; the refusal of Spain was not known; the protest of her minister had not been made, and many other circumstances attending the transaction, there was good reason to believe, were industriously concealed. With that distinct enforcement of the charge of fraudulent and illegal acquisition of Louisiana, the same British note repeated that the occasion and circumstances of that unwarrantable act, and hostile seizure of great part of the two Floridas by the United States, under the most frivolous pretence, had given rise throughout Europe to but one sentiment as to the character of the transaction.

At the time of those angry British declarations of American unjust aggrandizement and spoliation of the Spanish possessions of Louisiana and Florida, there were many other indications, in Europe and America, of hostile determination to take and to keep New Orleans, with part of Louisiana, whither a large expedition, naval and military, was on the way. The opinion prevailed, in Paris, that Louisiana, conquered by Great Britain, was to be ceded to her by Spain for British aid to expel the French from Spain. The British long insisted, in the Ghent negotiations, on the principle of each party to the war holding by treaty whatever should be got by conquest. And RESTORATION was the universal cry of all the conquerors of France. The first article of the American project for a treaty

was, that all territory, places, and possessions, without exception, taken by either party from the other, during the war, or after the signing of the treaty, should be restored. The British alteration margined to that article substituted, all territory, places, and possessions belonging to either party, and taken by the other, &c. Though the significant word *belonging* was not retained in the treaty, nor the *uti possidetis* applied, *sine qua non*, to any but the north-eastern coast, still the word *restore* might warrant withholding New Orleans, if captured by the British invaders: for, never having been legally possessed by the United States, it could not, or should not, be restored to their legal possession. At all events, time was an indispensable ingredient for the stipulation; and though Great Britain promised restoration without delay, yet the promise of her treaties of 1783 with the United States, to *withdraw* all British troops, was not performed for many years afterwards. Throughout the negotiations at Ghent, Great Britain uniformly avowed her determination to hold certain parts of north-eastern America: and it is difficult to reconcile her large, expensive, and confident invasion of the South with no other or wiser plan than that of barren conquest of territory declared to be fraudulently acquired from France and illegally withheld from Spain.

The American project proposed peace on the ratification of the treaty, which time the British enlarged till exchange of ratifications; and after the treaty, duly executed and exchanged, was sent to London, the ministry dwelt on the provision that hostilities were to continue till exchange of the ratifications.

After closing conferences of the missions altogether, the 10th, the 12th, and the 23d of December, and notes exchanged the 14th and 22d of that month, the treaty was signed, and copies delivered on Christmas eve, as stated in the second volume of this Historical Sketch.

The personal intercourse of the two missions had always been courteous and respectful. As soon as their business was done, the American ministers, on the 28th of December, entertained the British at what the Ghent Journal described as a

magnificent dinner, at which the Intendant and numerous Hanoverian staff-officers were present, and every thing indicated that perfect reconciliation had taken place between the two nations. Lord Gambier gave as a toast, The United States of America; and Mr. Adams's toast was, His Majesty, the King of Great Britain. The music played God save the King and Hail Columbia. Mr. Adams and Lord Gambier requested the Intendant to assure the City of Ghent of the gratitude which both legations felt for the attentions of the inhabitants. On the following Thursday, the Intendant entertained the respective ministers.

How peace and the treaty were received and judged in England has been stated, from English testimony, in the second volume of this Historical Sketch. There was no more open and unyielding opponent of the war, in this country, than Mr. Gallatin: Albert Gallatin, as he is known in American annals; a native of Geneva, in Switzerland, of aristocratic parentage, with several surnames besides Albert, highly educated and informed, who, having adopted this as his country and democratic politics as his preference, was too wise to disparage either. But he had no confidence in the country or democratic politics to withstand the fearful shock of that war with Great Britain; did all he could to prevent it; was believed to have suggested the Russian mediation; certainly abandoned the Treasury for a pilgrimage to Europe in search of peace; and importuned it at St. Petersburg, at London, and everywhere, with the urgency of one convinced that the war was more than the United States could bear. His confessions of its effects in Europe are therefore testimony entitled to consideration.

Before the most brilliant exploit of American arms was achieved at New Orleans, or several of the final naval victories, surveying Europe from Ghent, with the imperfect knowledge there of the ascertained triumphs, Mr. Gallatin, in his Christmas letter to Mr. Monroe, thus stated the European impression: "The manner in which the campaign terminated, the evidence afforded by its events of our ability to resist alone the very formidable military power of England; and our

having been able, without any foreign assistance, and after she had made such an effort, to obtain peace on equal terms, will raise our character and consequence in Europe. This, joined with the naval victories, and the belief that we alone can fight the English on their element, will make us to be courted as much as we have been neglected by foreign governments. As to the *people* of Europe, public opinion was already most decidedly in our favor." Mr. Gallatin anticipated a settlement with Spain on our own terms, and the immediate chastisement of the Algerines. "Permit me to suggest," said he, "the propriety of despatching a squadron for that purpose, without losing a single moment." The American statesman who dreaded, and was not alone in that apprehension, that American frigates should venture to sea, as insuring their inevitable capture, was converted to the belief that Europe generally deemed them able to contend with the English on *their* element. By his suggestion, not a moment was lost in despatching an American squadron to chastise the Algerines. And, before his return home, those Barbary powers, which for centuries defied all maritime Europe, were subdued by American naval prowess, soon imitated first by England and then by France.

Before the treaty of Ghent, American successes had already attracted European sympathy to the American cause; especially in France, whose capital, on that continent, dictates general impressions. During the Congress of Vienna and that of Ghent, as to the success of this country in vindicating great principles, and the irresistible obligation of Great Britain to concede peace on reasonable terms, a French publication said, "Whilst Europe, thus agitated, impatiently awaits the determination of that senate of sovereigns, the Congress of Vienna, whose exalted wisdom suspends its destinies, America affords it a fine example; alone, struggling successfully against the whole power of England. This war, unless speedily terminated by a peace honorable to the United States, will be as fatal to the British government as the Spanish war to Napoleon. All the treasures of Great Britain, all the powers of her fleets and armies, will fail under the energies of a free

people, armed to maintain their just rights. We understand that the English have again been defeated in Upper Canada. The flower of the British troops, who were to inundate the United States, without meeting any resistance, have yielded to a republican militia, and will bring back to Europe only tarnished laurels. The report seems to be confirmed, that the English ministers have renounced their pretensions, and will accept peace on terms most honorable to the United States. Such a result was inevitable."

The treaty was approved and peace cordially welcomed almost unanimously throughout the United States. Both were unexpected, and consecrated by brilliant victories to grace the end of war with the most formidable power in the world, waged till honorable peace, with no loss of territory, union of the States strengthened, national character greatly enhanced, and respectful amity between kindred nations for the first time established. "The attitude taken by the State of Massachusetts, and the appearances in some of the neighboring States," Mr. Gallatin stated, in his before-mentioned letter, "had a most unfavorable effect." Retribution for that disloyalty has been such, that Massachusetts, with uncommon means to be, never since that war has been, as theretofore, a leading State of the confederacy; nor able, notwithstanding annual efforts by her members in Congress, to prevail on that body to vote her payment as other States have received for their militia. It was the State of Massachusetts, as well expressed by Mr. Gallatin, the State, by constituted authorities, which by virtual rebellion and sedition thwarted the national government, and encouraged the enemy. Even after the peace, the Legislature of that State still strove in vain to disparage the war and the treaty by publishing a pamphlet, prepared by resolution of that body, containing all the treaties between the United States and Great Britain, to show that the war effected nothing, inasmuch as Canada was not conquered, and the treaty of Ghent obtained from England less than the treaty of 1807, negotiated by Monroe and Pinkney, which President Jefferson would not permit to be laid before the Senate.

Some few faint denials, also, issued from the press of the

merits of the treaty and the advantages of the war, but they were very generally applauded. For the contest proved that republican government, with more popular liberty and less executive authority than elsewhere, is not inconsistent with war and its exigencies. A war, not declared by any executive authority, in passion, by intrigue, to enrich or promote individuals, or further any private end, but after public deliberation by those really representing a people to bear its burdens, outrageously denounced and opposed, was nevertheless strenuously waged, and successfully, by not exceeding two-thirds of the nation, without one-half its pecuniary means and probably not more than that proportion of its cultivated intelligence; all the rest opposing it. Begun and concluded by the same administration, there were no executive changes, except two in each of the departments of the Navy, War, and Treasury; whereas one American minister in England has corresponded with as many as five different ministries in two years, and an American minister in France with still more. All taxes were promptly and economically realized, without resistance, and little litigation: the people everywhere, of all parties, paying them cheerfully, though their representatives in Congress failed to lay them soon enough and heavy enough, and, sometime after the war, repealed them hastily, when some of them should have been continued permanently. With extreme freedom of speech and the press, there was no prosecution for libel or for treason, no violent commotion, and excessive and often factious contention was overruled by means of free suffrage. During the first sixteen months, though tried by severe reverses, the people remained constant in adherence to their government, and its stability was unshaken. In less than two campaigns, the art of war was acquired, which it took the people of Great Britain seventeen of their twenty years of the last war with France to learn. The United States began hostilities with less than thirty experienced officers to marshal their forces. If there had been a third campaign, Brown, Jackson, Scott, Macomb, Gaines, with troops of other tried young officers, would have led from forty to fifty thousand men, at least one-third of

them regular troops, into Canada, to carry the American standard to Halifax; when the British armies in America, indispensable in Europe, were nearly all transported thither. Our financial atrophy had probably been cured. Taxes were actually laid by Congress to secure a considerable revenue, and our public credit was not as low as that of England had been; nor near so low as that of France during some of her most successful years of war. If hostilities had continued another year, there was no reason for apprehension. The popular elasticity of a free, intelligent nation is amazingly recuperative. Armament, discipline, enterprise, fortitude, achievement, seem natural to them. War had just begun, when it ended. Such at least was then, and yet is, my humble opinion. By the editor of the National Intelligencer, Mr. Gales, one of its supporters, whose position enabled him to judge correctly, in that paper of the 25th of August, 1849, the welcome tidings of peace are thus graphically described:—

“Never, from the beginning of this government to the present, has a more gloomy day dawned upon it than the thirteenth day of February, in the year 1815.

“Some time about noon of *that memorable day* mysteriously arose a rumor, faint at first as the earliest whisper of the western breeze on a summer's morn, but freshening and gathering strength as it spread, until, later in the day, it burst forth in a general acclaim of PEACE! PEACE! PEACE! Startled by a sound so unexpected and so joyful, men flocked into the streets, eagerly inquiring of one another whence and how came the news, and, receiving no answer, looking up into the Heavens with straining eyes, as though expecting a visible sign of it from the seat of that Omnipotence by whose interposition alone they could, but a short moment before, have even hoped for so great a blessing.

“When, at length, the rumor assumed a more definite shape, the story ran that a private express had passed through the city at some time during the day, bearing to merchants in the South the glad tidings that a treaty of peace had actually reached the shores of the United States. It was still but a rumor, however, and wanted that consistency which was necessary to justify full confidence in it.

“Unable to procure any information which should even confirm the report that an express of any kind had actually passed through the city (so vague was the rumor), one of the editors of this paper waited upon the President to obtain from him, who must be certainly informed, such information as he might possess on the subject. Mr. Madison, however, knew little more of the matter than the public: he had been, of course, among the first apprized

of the rumor, and was inclined to believe it true, but deemed it prudent to suspend opinion upon the subject until it should be authentically confirmed; and, in the *National Intelligencer* of the following morning, that advice was accordingly given to the public. Having thus had occasion to allude to this interview with Mr. Madison, it may not be foreign to the subject of this article to state, that we found that great man sitting alone, in the dusk of the evening, ruminating, probably, upon the prodigious changes which the news, if true (as he believed it to be), would make in the face of public affairs. Aflable, as he always was, he conversed freely upon the probabilities of the news which had reached us, and showed a natural interest in its being confirmed. But it could not escape remark, at the same time, that any one not familiar with that calm fortitude which, in the most trying scenes, had ever sustained him, and that equality of temper which on no occasion ever deserted him, might have deemed, from the unruffled composure of his countenance, his manner, and his discourse, that he was the person in the city who had the least concern in the reported event, though certainly, could personal considerations have been suffered to influence him at such a moment, no man living could have a greater.

"Steam conveyances and electric telegraphs had not then been invented, to realize the lover's prayer to the gods to 'annihilate both time and space;' and all classes in Washington had, with the President, no choice but to await the comparatively slow process of travel by horses and carriages from New York to Washington, for confirmation or contradiction of the report. The interval of suspense, it may well be imagined, was sufficiently tedious, though it was brought to an end as early as could have been reasonably expected. Late in the afternoon of Thursday, the 14th of February, came thundering down the Pennsylvania avenue a coach and four foaming steeds, in which was Mr. Henry Carroll (one of the secretaries at Ghent), the bearer, as was at once ascertained, of the Treaty of Peace concluded at Ghent between the American and British commissioners. Cheers and congratulations followed the carriage, as it sped its way to the office of the Secretary of State, and, directly thence, with the acting Secretary of State, to the residence of the President.

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"The reader, who has followed our narrative thus far, will begin to wonder how the demise of Mrs. Madison could have brought all this so vividly to mind. The relation which she bore to Mr. Madison, and her entire identification with him in all the memories of the past, would be sufficient to account for it. But the particular incident in the inauguration of the treaty of peace, the memory of which dwelt upon our minds, comes now to be told, in its place.

"The other members of the Cabinet having joined the Secretary of State at the President's residence, the treaty was of course taken into immediate consideration by the President and the Cabinet.

"Soon after night-fall, members of Congress and others, deeply interested

in the event, presented themselves at the President's house, the doors of which stood open. When the writer of this entered the drawing-room, at about 8 o'clock, it was crowded to its full capacity, Mrs. Madison (the President being with the Cabinet) doing the honors of the occasion. And what a happy scene it was! Among the large proportion present of the members of both Houses of Congress, were gentlemen of most opposite politics, but lately arrayed against one another in continual conflict and fierce debate, now with elated spirits thanking God, and with softened hearts cordially felicitating one another, upon the joyful intelligence which (should the terms of the treaty be acceptable) re-established peace, and opened a certain prospect of a great prosperity to their country. But the most conspicuous object in the room, the observed of all observers, was Mrs. Madison herself, then in the meridian of life and queenly beauty. *She* was, in her person, for the moment, the representative of the feelings of him who was, at this moment, in grave consultation with his official advisers. No one could doubt, who beheld the radiance of joy which lighted up her countenance and diffused its beams around, that all uncertainty was at an end, and that the government of the country had, in very truth (to use an expression of Mr. Adams on a very different occasion), 'passed from gloom to glory.' With a grace all her own, to her visitors she reciprocated heartfelt congratulations upon the glorious and happy change in the aspect of public affairs; dispensing, with liberal hand, to every individual in the large assembly the proverbial hospitalities of that house.

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The Cabinet being still in session, the writer of this article was presently invited into the apartment in which it was sitting. There were, beside the President himself, Mr. Dallas, Mr. Monroe, Mr. Crowninshield, and Mr. Rush; that is to say, the Secretaries of the Departments of the Treasury, of War, of the Navy, and the Attorney-General. [The Department of State being vacant, its duties were at that time discharged by Mr. Monroe, as Acting Secretary: the Postmaster-General was not at that day a cabinet minister.] Subdued joy sat upon the face of every one of them. The President, after kindly stating the result of their deliberations, addressed himself to the Secretary of the Treasury, in a sportive tone, saying to him, 'Come, Mr. Dallas, you, with your knowledge of the contents of the treaty, derived from the careful perusal of it, and who write with so much ease, take the pen, and indite for this gentleman a paragraph for the paper of to-morrow, to announce the reception and probable acceptance of the treaty.'

"Mr. Dallas cheerfully complied; and, whilst we sat by in converse, in a few minutes produced and read the following paragraph, which, being approved by all present, appeared in the National Intelligencer the next morning:—

"We have the pleasure to announce that the treaty of peace between the United States and Great Britain, as signed by all the commissioners of both parties at Ghent, on the 24th of December, 1814, was last evening

delivered by Mr. Carroll to the Secretary of State, who immediately submitted it to the President. The general principle of the treaty is a restitution and recognition of the rights and possessions of each party as they stood before the war, with adequate provisions to settle all the disputed points of boundary by commissioners, subject to the decision of an amicable Sovereign, in case the commissioners do not agree in opinion. The title to the islands in the Bay of Passamaquoddy being controverted, the possession will remain with the parties respectively which now hold them, until the commissioners decide upon the title, but without prejudice to the claim of either party. Periods are fixed for the restitution of maritime captures in different latitudes, and hostilities are to cease as soon as the ratifications of the treaty are exchanged at Washington. It is understood that Mr. Baker is the bearer of the treaty ratified by the Prince Regent, and will be ready to exchange the ratifications when the President and the Senate have passed upon the subject. We are happy to add that the treaty is thought, in all respects, to be honorable to the nation and to the negotiators. The President will probably lay it before the Senate this day.' -

"The treaty was laid before the Senate on that day, that is, on the 15th. On the 16th, the consent and advice of the Senate was given, by a unanimous vote, to its ratification. At 8 o'clock at night, on the 17th, Mr. Baker the British commissioner for the purpose, having reached Washington, the ratifications of the treaty by Great Britain and the United States were exchanged, and the treaty was finally proclaimed and published on the 18th day of February.

"And so most happily ended a war, the pressure of which was but just beginning to be felt by this government and people."

Peace was welcomed with more than popular, for it was filial, gratification. While exulting in triumphs by war, peace, to a large majority of the American people, was endeared by kindred attachment to the people with whom they deemed it their misfortune to be involved in war. Two extremely bitter conflicts have not extinguished the reverential feeling of this country for that of their forefathers, to which it clings by innumerable ties, and far prefers beyond all others. Joy for peace with it broke forth with universal manifestations. Every city and considerable town, most villages, and many single houses, were illuminated. As I journeyed homewards, on the 28th of February, 1815, the whole country was alive with rejoicings, in which Boston soon took part. On the first day of March, 1815, the Governor, Judges, Legislature, and a numerous company, dined together at the Boston Exchange,

with the American and the British officers in that vicinity as guests. A procession paraded a team loaded with cotton, with "New Orleans," and "Jackson," in large letters on the bags. A newspaper sarcasm declared that more cannon were fired, and more persons wounded, in Massachusetts rejoicing for peace, than throughout the whole war. Those who risked life or property in their country's cause not only rejoiced for peace more cheerfully than those who did not, but with more respect from former enemies. Rejoicing was universal and enthusiastic; by the disaffected, for peace; by the patriotic, for victory too. "It is inconceivable," said the Montreal Herald, "to see to what a pitch illuminations and rejoicings are carried on throughout the United States—a positive proof that the mass of the people are satisfied with the conditions of the late treaty of peace; and that they would have been content if the terms were much harder. What a contrast is exhibited in this country! You scarcely see a cheerful countenance from one end of the province to the other, when you speak of the peace." That extremely hostile journal had just before said, "This war will not be of short duration; and, could one but suppose the rumored peace to be correct, we may pronounce it to be disgraceful to Britain. What Britain has yet done is insufficient to insure an honorable and lasting peace. Before that can be effected, *torrents of blood* must yet flow, both on sea and land." Such unnatural animosity is not American, and it is to be hoped is not commonly British. Yet that war with this country was then, and even still is, the distempered dream of some eminent Britons, is from time to time manifested, as by the subjoined, lately published by one of their most distinguished officers, Lieutenant-General Sir Charles Napier:—

"What an opportunity was lost (in 1815) of then dealing with America! An able minister would have continued the war; the Northern States would have withdrawn from the Union, and, declaring themselves independent, have made a separate peace with Great Britain. The latter might then have raised the negroes of the South, and, at the head of an immense force of armed and disciplined black regiments, have dictated peace at Washington; erecting the Delaware into an independent black State, in alliance with England, and supported by the Northern States, of which it would form the left flank against the Southern. * * * * *

This line of policy may be adopted yet, if we have a war with the United States. It may be effected at any time while slavery exists; a nation that is not governed by fools, may do what it likes against another nation in which it has two millions of true friends. * * * * * It is true, they may be blacks, but blacks make capital soldiers. * * * * * From my knowledge of both, I will venture to say, that the docile, intelligent, eager, liberated slave would be drilled in less time by half than the free-born American citizens, the republican slave-drivers, that are so proud of being without a standing army. * * * * * But let war come, and we shall see what the dingy race can do against the slave-drivers in the Southern States. America fears war; does England fear war? Let it come, and we shall see which constitution is the best."

The treaty of Ghent was the arrangement of a few negotiators, who settled cessation from hostilities on terms not dishonorable to either party. The peace it consecrated was the work of nations who had felt each other's prowess in war. Treaty and peace together have proved lasting benefits to both belligerents. This country gained, by the treaty, a settlement of boundaries, which had been unsettled since its independence; exclusion of British vexatious trade with our Indians; and, it may be added, exclusion of British trade from the river Mississippi. Peace, the result of war, put an end to British impressment from American vessels; abrogated constructive, and all but actual blockade; and reduced to inoffensive police, if not extinguishing dubious right of search, or visit at sea. These inestimable gains, worth much more than the blood and treasure they cost, are, by achievement, guaranteed more effectually than by any treaty founded on concession, and liable to misunderstanding. When other British pacification suspended naval coercion, the United States tacitly waived further resistance to it, and Great Britain yielded nothing. But war had formidably proved that the United States will not submit to impressment of men, search of vessels, or constructive blockade. To enforce either, inevitably producing war, Great Britain must prefer profitable commercial relations with the United States, as developed by several treaties since that of Ghent, and by the amity of kindred nations. To that war, peace, and treaty, have followed lasting intimacy and constantly-increasing intercourse, with great improbability of further hostilities.

CHAPTER VI.

INVASION OF LOUISIANA.

Nicholls at Pensacola—English at Barataria—Lafitte—Fort Bowyer—Jackson—Spanish Complicity—Seizure of Pensacola—New Orleans—Tennessee and Kentucky Volunteers—Legislature of Louisiana—Governor Claiborne—Population—British Squadrons—Gun-boats on the Lake overpowered—Jackson declares Martial Law—Inactivity of the Legislature—British land—Surprised on the 23d of December—Vanguard worsted—Jackson's entrenchments—Pakenham—British repulse on the 28th of December—Division, if not Disaffection, in the Legislature—Their Session closed forcibly—British repulsed on the first of January—Continually harassed—British Narratives of their Disasters—British Forces—Lambert's Reinforcement—Battle of the 8th of January—Thornton's Success—Pakenham's Defeat and Death—British Evacuation—Capture of Fort Bowyer—Repulse at Fort St. Philip—American Thanksgiving on Jackson's return to New Orleans—Tidings of Peace—Their disorganizing Effects—French Insubordination—Louallier arrested—Judge Hall issues a writ for his Release—The Judge imprisoned by Martial Law—Law of Contempt—Jackson punished by Fine—Refunded by Congress—His Death.

WHY the British so formidably invaded Louisiana is not easy to explain. Mr. Gallatin's letter of the 13th of June, 1814, from London, which apprised our government that a disposable force of 20,000 men would be thrown on the Atlantic States, did not mention New Orleans, but New York and Washington as the places in danger; and such was the Executive apprehension. When the invasion was undertaken, we do not know what was its object. Whether to hold, as well as take New Orleans; whether to restore Louisiana or part of it to Spain; whether to deprive this country of the cotton, destined so soon to supersede iron, as the most vital of staples; whether to reinstate the pristine colonial union between Florida, Louisiana, and Canada; or whether a large army, with a large fleet, were sent over the Atlantic in mere wantonness of overweening power, to inflict ruthless injuries on a republican

and naval rival empire, must be left to conjecture. Castle-reagh, then at the helm, was a daring adventurer; Great Britain a mighty and vindictive nation, flushed with prodigious triumphs, fond of war, embarrassed with supernumerary military and naval forces, which it harmonized more with ministerial and national prepossessions to employ in degrading this country than to disarm at home. The capture of Washington was a mere warlike accident, when Cockburn prevailed on Ross to make the attempt. The Scots historian, Mr. Alison, though absurdly ignorant and despicably invidious of this country, may nevertheless be right when, apologizing for the enemy's retirement after their repulse at Baltimore, he alleges that it was to preserve their troops for the capture of New Orleans.

The studied silence of the British government as to their reverses, of which often no official accounts were published, increases the obscurity involving the invasion of Louisiana. My researches have failed to find any official, authentic, or other British account of the first steps taken by the enemy in that attempt, whatever its object was. But in the course of the summer of 1814, pending the incursion to Washington, if not preceding it, measures were adopted for the most atrocious of all the belligerent efforts of Great Britain to convulse, devastate, and dismember the United States. The Indians they had throughout the contest excited to their most horrible outrages. In April, 1814, Admiral Cochrane made, by proclamation, a direct appeal to the negro slaves, by their revolt to aggravate Indian barbarities. In the summer of 1814, the British brig *Orpheus* debarked 22,000 stand of arms, with munitions of war and officers, in the Bay of Apalachicola, Florida, for the purpose of arming the Creek Indians, seduced from the peace they had just made with the United States, and enlisting them to renew hostilities; who were embodied, armed, and, in British uniform, drilled in Pensacola by Captain Woodbine, of the marines. All the Indian tribes east of the Choc-taws were rallied to the British standard by British officers, diligent in that vile subornation. Having secured the savages as allies, and invoked the slaves, it only remained that the

British should engage the Baratarian pirates of that region, to complete a force of Indians, revolted slaves, and pirates, probably the most profligate combination ever got together for inhuman hostilities.

As early as the 4th of August, 1814, some hundred men, commanded by Colonel Edward Nicholls, either an artillery or a marine officer of tried courage, a brave, enterprising, blustering Irishman, touched at Havana, on their way from Bermuda to Pensacola: being the vanguard of the large expedition then preparing in England to follow under Admiral Cochrane and General Pakenham. Nicholls's force, on board the sloop-of-war *Hermes*, Captain Percy, senior naval officer in the Gulf of Mexico, and the sloop-of-war *Charon*, Captain Spencer, stopped at Havana, to procure gun-boats and other small vessels, together with the Spanish Captain-General's permission to use Pensacola as the place of rendezvous, preparation, and departure, which the Captain-General refused. But Nicholls declared, probably in the spirit of his orders, that, disregarding Spanish authority and neutrality, he would use Pensacola for his purposes; and accordingly landed his force from the British vessels-of-war there, established his headquarters, and drilled the Indians in British regimentals.

Having taken a Spanish place of arms and secured the Indians for his operations, Colonel Nicholls, on the 29th of August, 1814, issued, from what he called his headquarters, Pensacola, a proclamation, as commander of his Britannic majesty's forces in the Floridas, addressed to the natives of Louisiana, to assist in liberating their paternal soil. Spaniards, Frenchmen, Italians, and British, in Louisiana, he called to aid him, to abolish the American usurpation in that country and put the lawful owners of the soil in possession. "I am at the head," said his proclamation, "of a large body of Indians, well armed and disciplined, and commanded by British officers, a good train of artillery, with every requisite, seconded by the powerful aid of a numerous British and Spanish squadron of ships and vessels of war. Those brave red men only burn with an ardent desire of satisfaction for the wrongs they have suffered from the Americans, to join you in liberating

these southern provinces from their yoke, and driving them into those limits formerly prescribed by the British sovereign." The proclamation proceeded, in a similar strain, to address the Kentuckians, by which denomination Nicholls probably intended to designate all inhabitants of the West, whom he called on to be neutral, instead of bearing the brunt of an unnatural war, promising them the free navigation of the Mississippi, and good pay for whatever provisions they brought him.

How far Nicholls was to venture, before the arrival of the large force then on the way from Europe, British history does not inform us: for nothing of his considerable prelude to Pakenham's expedition is to be found in English publications, official or historical, probably deterred by and ashamed of its atrocity and abortion. At all events, to enlist the Indians, slaves, and pirates, to sound the dispositions and seduce the inhabitants of Louisiana and Florida, to engage pilots to conduct enterprises on the American coast and waters, and in other respects pave the way for invasion, were within the scope of Colonel Nicholls's orders and ability. His proclamation openly avowed Spanish co-operation, and that the United States were to be dispossessed of Louisiana; whether for restoration to Spain or British retention does not appear and remains undivulged by English authority.

Spanish help, whether by duress or free, and Indian alliance Nicholls had; revolted slaves he expected. Several regiments of fine black troops, under British officers, were to join him from Nassau, which afterwards made part of Pakenham's army: acclimated and designed, as would seem, to garrison New Orleans. It is certain that Nicholls knew and declared that he was the precursor of a formidable expedition, sent chiefly from Europe, while negotiations for peace were going on at Ghent, opened by Lord Castlereagh in person by demands, and accompanied by disclosures incompatible with pacification. Nicholls, by authority, promised the Indians restoration to all the lands Jackson had subdued from them, and offered freedom to the slaves for revolt. With means, therefore, deemed not inadequate to some decisive enterprise; the capture of Fort Bowyer, to control the Gulf of Mexico; of

Plaquemines, to command the waters of the Mississippi; and, perhaps, of New Orleans, should the Spaniards or the French of Louisiana incline to his support, Colonel Nicholls sought further reinforcements from the pirates of Barataria. His naval co-operators in that ignominious attempt were Englishmen of noble blood, so high in social rank that their position deserves to be contrasted with the vile uses to which they were degraded. Captain William Henry Percy, of the sloop-of-war *Hermes*, senior British officer then in the Gulf of Mexico, was the son of Lord Beverly, connected by family ties with the Duke of Northumberland. Captain Spencer, of the sloop of war *Charon*, was said to be son of Earl Spencer, and related to the Duke of Marlborough. So low did the most noble lineage of Great Britain stoop, to solicit Indians, slaves, and pirates for comrades in that war; denounced by many Americans as unnatural for being waged at all against their British kinsmen: but much more unnaturally waged by them against their American offspring. Hostilities begun, as for several ages British wars have been begun, without declaration or notice, by fleets despatched to capture ships and colonies unaware, as New York was wrested from the Dutch in 1660, the Spanish galleons subdued in 1804, and the Danish fleet, in 1807, taken from Copenhagen, blunt the moral sense. Else the refined and elegant aristocratic Old World, which regards with disdain and abhorrence what it decries as the brutal vulgarities of the democratic New, would be ashamed of gentlemen of the highest ancestral and historical distinction suing to Indians, slaves, and pirates for alliance in the royal, noble, and chivalric vocation of arms. They, and any government, guilty of such enormities, should be discountenanced by all gentlemen of the New World and the Old.

Colonel Nicholls and Captain Percy, on the 30th of August, 1814, directed Captain Nicholas Lochyer, in the brig of war *Sophia*, with Captain M'Williams, of the Colonial marines, to proceed to Barataria, bearing an official letter from Colonel Nicholls, dated, Head-Quarters, Pensacola, 31st of August, 1814, to Mister Lafitte, or the Commandant at Barataria, call-

ing on him, with his brave followers, to enter into the service of Great Britain, "in which you shall have," it assured him, "the rank of a captain. Lands will be given to you all, in proportion to your respective ranks, your property guaranteed, your persons protected: your ships and vessels to be placed under the orders of the commanding officer on this station, until the commander-in-chief's pleasure shall be known; but I guaranty their fair value at all events. The bearers of this letter, Captain M'Williams and Captain Lochyer, will satisfy you on any other point you may be anxious to learn. We have a powerful reinforcement on its way here." On the first of September, 1814, Captain Percy, on board his majesty's ship *Hermes*, at Pensacola, issued another manifesto to the pirates, offering them the option of war, instantly destructive to them, and, on the other hand, should they be inclined to assist Great Britain, the security of their property, the blessings of the British constitution, and lands, at the conclusion of the war, in his majesty's colonies on the continent of America. Should any be inclined to volunteer their services in his majesty's forces, they will be received. By Captain Percy's instruction to Captain Lochyer he was to hold out to the pirates that, if they threw themselves under the protection of Great Britain, they would be considered British subjects, and lands allotted to them: the junction of their small, armed vessels was to be secured for the capture of Mobile, &c.

Thus the British government, which, throughout that contest, employed the Indians as their most efficient allies, invoked, as a last resort, the negro slaves to revolt and join the British standard, and sent an embassy to a horde of piratical outlaws, proffering for their warlike aid all that munificent government bestowed on the Duke of Wellington, Earl Nelson, and other heroical beneficiaries — military promotion, pecuniary rewards, landed estates, national protection, and historical renown. The envoys on that vile mission and bearers of those base offers were members of the noblest families of Great Britain. Their mission was performed, braving the pestilent marshes of the Gulf of Mexico, at the very time when their principal constituent, Lord Castlereagh, was professing peace,

while provoking war, through the instrumentality of his ministers at Ghent. Official information to our government of the breaking up of that piratical establishment stated, that vessels clearing from New Orleans with passengers had been captured and every soul on board murdered, and that the Barataria pirates took indiscriminately every vessel was perfectly known at Pensacola. Such were the new allies whom noble Britons solicited to unite with the Indians, whose subjugation, after their hostilities began by the massacre at Fort Mimms, is described in the first volume of this Historical Sketch. Induced by British subornation to break the peace they had been compelled to make, their British allies had them again in arms. Piles of human bones, from decrepid age to infants at the breast, bleaching in the rain and wind, at Fort Mimms, were monuments, which stirred up every American breast, in that quarter, to vindictive resistance of the instigators of such shocking barbarities, whose invariable and sanguinary discomfitures in the invasion of 1814 seemed retributive justice for their iniquities the year before.

A small island on the Gulf of Mexico, and several lakes extending from it, sometimes by a basin thirty miles wide, through cypress swamps and prairies sixty miles north, behind the plantations on the west bank of the river Mississippi, are called respectively the island and lakes of Barataria. At the mouth of the lower lake, the island of Grande Terre, six miles long and between two and three miles wide, about two leagues from the open sea, affording a shallow, but the only safe harbor on that part of the gulf, was well selected by a commonwealth of French privateersmen for their anchorage, when expelled by its conquest, in February, 1810, from the island of Guadaloupe, deprived of shelter in any ports of the American seas. Taking refuge there at first, when they could refresh nowhere else, they made it soon a home and mart of some importance. The Lafittes were men not without education or refinement, whose location at Barataria was near a region remarkable and attractive. A prairie sixty miles in extent, and Lake Carcasi, a beautiful sheet of transparent water, six miles long, some of it forty feet deep, afforded them

all the enjoyments and luxuries of the chase and of fishing. Deer, grouse, varieties of wild duck, fine fish, orange-trees, and tropical fruits, in a climate of which the heat was tempered by sea-breezes, supplied the fare of the pirates. An isolated and uncultivated, but gentle and hospitable race of Spanish lineage now occupies that region in harmless seclusion from the rest of mankind. They could not dispose of British prize-property in any port of the United States, as this country was then at peace with Great Britain. But they might surreptitiously sell their booty to persons in New Orleans. As their Guadeloupe-French commissions expired, they took out new ones from Carthagena, soon after that South American Republic declared independence of Spain. Some of them captured English and Spanish prizes, probably without any commission: although, when ultimately pardoned by President Madison, they alleged that they never were pirates, but private armed vessels, cruising by lawful authority. The Carthagenians welcomed them with enthusiasm as valuable coadjutors in the cause of American independence, familiar with all the American seas, particularly the Gulf of Mexico and the West India islands, disposed and able to contend for republicanism against royalism. The Baratarian cruisers blockaded the royal ports, vexed and injured their commerce, made many valuable captures, took them into Barataria, and, by the time our war with England began, had created there a market overt to which the inhabitants of Louisiana and other places resorted, to purchase goods, wares, and merchandise much cheaper than they could be bought elsewhere. For several years, Barataria was a tolerated resort for smugglers and other lawless interlopers. Three French brothers, named Lafitte, held some sort of authority over about one thousand seafaring freebooters, settled, in amphibious independence, in forty dwellings erected by them, thatched with palmetto-branches: a commonwealth of outlaws, not unlike that of the buccaneers, who, two centuries before, from inaccessible haunts at Tortuga and Jamaica, sallied forth to prey on the floating commerce of all nations and enrich themselves by marvellous exploits of daring navigation. At Grand Terre, too, there was what was called a

Temple, one of those inexplicable mounds discovered in many parts of this continent, constructed, this one, of shells and bones, indicating that, before European settlement of America, it was probably a monument dedicated to religious and funereal purposes. Wherever there is an impost on importations, by land or water, there is contraband. Contraband is nowhere very disreputable. At Barataria, by several years' impunity, it had become part of the system of Louisiana. The Baratarians sold their captures at public auction, without disguise or concealment. Orders on Barataria for the delivery of goods illegally imported were as common at New Orleans as lawful orders on Philadelphia or New York. The most respectable people purchased smuggled goods from Barataria. During several years, those illegal dealings were unmolested by government, whose officers were sometimes accused of complicity. And though seizures were occasionally made, yet the great profits of the contraband trade generally much more than compensated for infrequent losses by condemnations.

The privateersmen of Barataria were generally called pirates; and frightful accounts were current of their imputed atrocities. But they sailed under the flag of Carthage, and always avowed their lawful authority by commissions to make captures. Originally French, then Americans and Carthaginians, they became republican, as men love to do: and, when accosted by British seduction, evinced invincible aversion to that royal standard. The year before, on the 23d of June, 1813, a British sloop of war attacked a couple of the Baratarian privateers, at anchor off Cat island, and exasperated their hostility by bloodshed; the British being beat off with loss of life. Captain Percy's letter of orders to Captain Lochyer, a hectoring and coaxing official compound, Lafitte forthwith communicated to the State authorities, and Jackson's adroit conversion to his purposes rendered quite a dramatic incident in a complicated crisis. He was without arms for numbers of his men. Lafitte had some arms and 7500 flints, more wanted than even muskets. Those inestimable materials the privateer chief freely offered, with the services of several hundred hardy mariners, for American par-

don and adoption. Jackson at once embraced the proffers. The outlaws were naturalized as Louisiana was consecrated into the American Union: all well-disposed inhabitants, whether pirates, negroes, Spaniards, French, or Creoles, amalgamated, as American citizens, to repel invaders, whom, in his general orders, by eloquent reprobation, the citizen-chieftain stigmatized as foreign mercenaries, the common robbers of mankind.

As soon as Captains Lochyer and M'Williams appeared off the pass into Baratania, on the 2d of September, 1814, their maladroit and untoward negotiation commenced by an act of absurd hostility. The *Sophia* fired into a Baratarian privateer there, and compelled her to escape by running ashore: which wanton aggression was immediately followed by Lochyer and M'Williams, in a boat, with a flag of truce under the British standard, making for the island, whom the younger Lafitte, John, in his pinnace, put out to meet. They inquired of him for Mr. Lafitte, who made answer that he was ashore, as the elder, Peter Lafitte was, and absent. Handing John the package to Mister Lafitte, and telling him to take care that it was safely delivered, he desired them to go ashore with him: and, when out of reach of the *Sophia*, told them who he was, and not to let their errand be known ashore. Overreached in their first attempt at circumvention, the two British envoys were received on the beach by several hundred of inimical Baratarians, murmuring that the strangers were British spies, come to examine the coast and passages, with a view to invasion, who ought to be detained, in spite of their flag of truce, and sent as prisoners of war to New Orleans. Lafitte, with difficulty, got them lodged in his house; where, reading their despatches, and finding that their mission was to deprive the Baratarians of all their vessels, and marshal the freebooters with negro slaves and Indians, for the invasion of Louisiana, by whose sufferance and intercourse the Baratarians had for several years enjoyed a prosperous existence, young Lafitte at once determined, by frustrating their hostile design, to make his own peace with the American government and domiciliate his associates among the French Creoles of Louisi-

ana, as Montbar, the French buccaneer, had done in France, and Morgan, the Welshman, in England, long before. Captains Lochyer and M'Williams urged the pirate-chief, by all the motives that could be suggested for seduction, to become an English officer: offered him thirty thousand dollars, payable either at Pensacola or New Orleans, the rank of captain, and, as they said, opportunity for prompt and enviable promotion in British service. Lafitte asking for time to consider these proposals, Lochyer replied that no time could be necessary for a Frenchman to decide, France being at peace with Great Britain and Lafitte proscribed by the American government, which then held his brothers in prison at New Orleans; and Lafitte's knowledge of the country would be of such service in the contemplated operations as to ensure their success and his rapid promotion. As soon as possession was obtained of Lower Louisiana, the plan of the British government, Lochyer said, was, for their army to penetrate into the upper country and act in concert with the British forces in Canada. Every thing was prepared for carrying on the war with the greatest vigor, and no doubt with success. The French and Spanish population would make little or no opposition. The invaders were confident of being joined by the revolted slaves. The Creek Indians were already in arms with the British.

To all these villanous arguments, Lafitte pleaded that he must have a few days before he could determine. As soon as he left his residence for a short time, the mob outside seized the two British officers in his absence, and, together with their boat's crew, put them all in confinement. The prisoners sent to entreat Lafitte's interposal. But he thought it best not to see them till he had first prevailed on their captors to release them. Arguing with them the infamy of disregarding a flag of truce, Lafitte furthermore told them that by violence they prevented his more effectual policy of learning the whole extent of their plan of invasion. The night was spent in these proceedings; the British all under guard; the *Sophia* lying at anchor off the pass; and it was not till morning that Lafitte succeeded in restoring the prisoners to liberty. With many apologies for their rough reception, which, he said, he much

regretted, he put in their hands his answer, dated the 4th of September, 1814, to Captain Lochyer's letter, stating that "the confusion which prevailed in our camp yesterday and this morning, of which you have full knowledge, has prevented my answering, in a precise manner, the object of your mission, nor can I now give you all the satisfaction you desire. But, if you grant me a fortnight, I would be entirely at your disposal at the end of that time. The delay is indispensable to get rid of three men who caused all the disturbance. Two who were the most troublesome are to leave this in eight days, and the other is going to town. The rest of the time is necessary for me to put my affairs in order. You can communicate with me by a boat sent to the eastern point of the pass, where I will be found. You have inspired me with more confidence than your admiral could have done. I wish to deal with you alone: and from you, in due time, I will claim the reward of the service I may render you." Lafitte's object in asking time by that letter was, to inform the American government and get their directions what further to do. Accordingly, on the same day, by letter dated September 4th, 1814, he enclosed to Mr. Blanque, a respectable member of the Legislature of Louisiana, all the papers received from Lochyer, making Blanque, as Lafitte wrote, the depositary of a secret on which might depend the tranquillity of the country: desiring Mr. Blanque to make such use of it as his judgment should direct. "Though proscribed by my adopted country, I will never let slip any occasion of serving her and proving that she has never ceased to be dear to me. I could expatiate on this proof of patriotism; but let the fact speak for itself. I may have evaded the payment of custom-house duties, but have never ceased to be a good citizen. What I now do may obtain some amelioration of the condition of an unfortunate brother, dear to me, whom I especially recommend to your good offices. Our enemies endeavored to work on me by motives few men could have resisted, when they represented to me a brother in irons, of whose deliverance I might render myself the author. I asked fifteen days' time of the flag of truce, assigning plausible prettexts, and am waiting for the

British officer's answer, and yours, begging you to be good enough to aid me with your judicious advice in so weighty an affair." On the 7th of September, 1814, John Lafitte wrote again to Mr. Blanque, sending him an intercepted letter from Havana, dated 8th of August, 1814, containing important disclosures respecting Colonel Nicholls's arrival and departure there, on his way to the attack of Mobile and invasion of Louisiana. By this second letter to Blanque, Lafitte stated that, after his first letter, two other British vessels appeared off Barataria, and were still there in sight: and that, though that important point was in a state of respectable defence, yet the British might use force beyond the strength of the Baratarians. With that letter, John Lafitte addressed one to Governor Claiborne, offering to restore to the State several citizens, who, perhaps, in his view, had lost that sacred title: but offered such as he would desire to find them, ready to exert their utmost efforts in defence of their country. "The point I occupy of Louisiana is of great importance in the present crisis. I tender my services to defend it: and the only reward I ask is, that a stop be put to the proscription against me and my adherents, by an act of oblivion for all that has been hitherto done. I have never sailed under any flag but that of the Republic of Carthagena, and my vessels are perfectly regular in that respect. Should your answer not be favorable to my ardent desires, I will instantly leave the country, to avoid the imputation of having co-operated towards an invasion." Before John Lafitte's letter to Governor Claiborne was sent, the elder, Peter Lafitte, arrived at Barataria, and approving all that his younger brother had done respecting the British overture, Peter Lafitte, on the 10th of September, 1814, wrote to Blanque, enclosing John Lafitte's letter to the governor open, commending his brother's conduct, and stating his determination to follow up the plan that might reconcile them with the government: but submitting to Blanque's judgment whether to deliver the letter to the governor. Lafitte's letters, privately conveyed to New Orleans by a man named Rancher, were safely delivered to Blanque, who handed them to Governor Claiborne: whereupon he convened a con-

fidential committee of respectable persons, who gave their advice, contrary to the governor's opinion, he alone being for treating with the outlaws, but the rest against it. It is said by one historian of these transactions, Latour, that Rancher was sent back with a verbal answer to Lafitte, desiring him to do nothing till it could be determined what was best to be done, and that in the mean time no steps would be taken against him for his past offences. If so, faith was broken to the Baratarians. The governor forwarded Lafitte's disclosures to the President. But, without waiting for his orders, on the 11th of September, 1814, a combined naval and military force sailed from New Orleans, under Commodore Daniel T. Patterson, of the Navy, and Colonel George T. Ross, of the forty-fourth regiment of the infantry of the United States, to break up what was called and treated as the nest of pirates at Barataria. The opinion of most of those consulted by the governor was, that the pirates could not be trusted; but would join the English and prove extremely injurious as their allies in the attack of New Orleans.

At the expiration of the fortnight's delay requested by Lafitte, the British returned to the vicinage of Barataria, and remained some time, waiting for his expected co-operation. But, receiving no communication from the shore, they at last slunk away; their abortive attempt to enlist such allies being the first of their series of disasters in Louisiana.

Soon after their departure, on the 16th of September, 1814, a squadron of six gunboats, the Carolina sloop of war, under Commodore Patterson, and Colonel Ross, with a detachment of his regiment, attacked the outlaws' hamlet, captured all their seven vessels there, with some goods, dispersed their crews, and returned to New Orleans with their prizes, on the 10th of October, 1814. The pirates were subdued, expelled, and much of their booty seized by other captors. Two months afterwards, Jackson, at his utmost need, in terrible want of arms and men to handle them, was given to understand that the Baratarians proffered both. Instantly, through Edward Livingston, he gave the pledge of pardon they solicited; which was recommended by a resolution of the Legislature, moved

in the Senate by Sebastian Hiriart, at the evening session of the 17th of December, and rapidly carried, overruling forms, through both houses. The Baratarians, accordingly, enlisted in the service of the United States, proved excellent artilleryists and marksmen, and were deservedly applauded, in general orders, for their good conduct. On the 6th of February, 1815, the President eloquently proclaimed their full pardon. "It had been long ascertained," he said, "that many foreigners, flying from the dangers of their home, and that some citizens, forgetful of their duty, had co-operated in forming an establishment on the island of Barataria; near the mouth of the river Mississippi, for the purpose of a clandestine and lawless trade. The government of the United States caused the establishment to be broken up and destroyed: and, having obtained the means of designating the offenders of every description, it only remained to answer the demands of justice by inflicting an exemplary punishment. But it since has been represented that the offenders have manifested a sincere repentance; that they have abandoned the prosecution of the worst cause for the support of the best, and, particularly, that they have exhibited, in the defence of New Orleans, unequivocal traits of courage and fidelity. Offenders who have refused to become associates of the enemy in the war, upon the most seducing terms of invitation, and who have aided to repel his hostile invasion of the territory of the United States, can no longer be considered as objects of punishment, but as objects of a generous forgiveness." Thus, while the hostile British attempt to enlist outlaws by seducing promises of protection and promotion failed, their proffered and important American service was not accepted till after their unlawful haunt was broken up by American force, and then, in a crisis of supreme emergency, all they received for highly meritorious aid was pardon and opportunity of citizenship, which they preferred to British allegiance and promotion. Most of those men were by birth Europeans, who, from that spirit of liberty which seems to be stronger than any allegiance, chose to be American citizens rather than British subjects.

Disappointed in their attempt to engage the pirates, the

British, after hovering some days off the island of Barataria, withdrew to Apalachicola and Pensacola, thence to make another effort and again to be defeated. In April, 1813, General Wilkinson, by the President's direction, surprised and captured the Spanish fort Condé, near the present city of Mobile, by virtue of the American assertion that it was in Louisiana, not Florida, as Spain contended, and therefore acquired with Louisiana by the United States. A redoubt at the end of a tongue of land on Mobile bay, called Fort Bowyer, was imperfectly raised, and garrisoned by 130 men of the second regiment of United States infantry, commanded by Major William Lawrence. The twenty cannons mounted were without casemates or other protection from bombardment by sea or the surrounding sandhills. The men were not artillerymen. Their means were extremely slender. But Major Lawrence gallantly repulsed the formidable assault by land and water, which began there the invasion of Louisiana; though, after the victories of New Orleans, he was at last compelled to surrender his fort by capitulation to the final hostilities on this continent. Colonel Nicholls's object and the British plan of the invasion were, beginning with the capture of that fortress, thence, and from Mobile and Pensacola, all convenient to Bermuda, Havana, and other bases of arsenals and granaries of the expedition in that region, to possess themselves of a large part, if not the whole of the territories of the United States south and west of the thirteen old States. The value of Fort Bowyer for that purpose had been overlooked till Jackson took command of that military district, when, at once perceiving its importance, he had it partially prepared for defence. In the campaign which began and ended at Fort Bowyer, General Jackson acted without specific, if indeed any orders, sometimes almost against orders; performing exploits of warfare and civil administration which paved his way to the presidency.

On the 12th of September, 1814, some hundred Indians, with one hundred and thirty British marines, were landed from a squadron of two sloops and two brigs of war, near Fort Bowyer. On the 15th, the ship *Hermes*, Commodore

Percy, the ship *Charon*, with two brigs, the *Sophia* and the *Anaconda*, mounting altogether ninety cannons, and manned by six hundred men, in order of battle, attacked the fort, within musket-shot. Captain Woodbine, who commanded the marines and the trained Indians, employed those forces at a mortar-battery ashore, well served while the vessels maintained a heavy firing from the water, during an action of three hours, well sustained on both sides. But the *Hermes's* cable being cut by a shot from the fort, she drifted so much under its fire that Commodore Percy was obliged to desert and burn her. One of the brigs also narrowly escaped destruction; and the attack was abandoned, with severe loss. The British killed and wounded exceeded two hundred and thirty. Of the garrison only four were killed and four wounded. The marines embarked, and were taken by the three remaining vessels, much battered and crowded with the wounded, to Pensacola; where, as well as at Havana and New Orleans too, it had been a common expectation among the Spaniards that the capture of Fort Bowyer would soon lead to restoration of all Florida, with most of Louisiana, to Spanish control. Six hundred Indians, deserted by their British allies, were left to wander in the sands and woods, completely disappointed and discomfited. Colonel Nicholls lost an eye by a splinter.

Jackson, at Mobile, was almost within sound of the furious cannonade which during three hours raged at Fort Bowyer. A boat which he sent from Mobile to succor the fort, not being able to get there, but returning, gave him his first impression that the fort was taken by the enemy. Whereupon he was making preparations for its recapture, when the joyful tidings reached him of the signal repulse of the British. Delighted with that first of what might be considered his success against them, General Jackson instantly cordially congratulated Major Lawrence, its more immediate achiever; and, from that beginning, never paused, faltered, or failed till he drove the enemy from America. Of the four months' brilliant and in many respects unexampled campaigning, which that victory under his auspices introduced, Jackson was so distinctly the genius, supreme and individualized executor, that his presence of mind

and of body, his surpassing ability, admirable fitness for the part he performed, by courage blended with prudence, clemency with sternness, and good fortune withal, make him a constant and grateful theme. Fortune, which in all human affairs is chief element, and in war more than any other, seemed to begin by putting out of his way no less than six generals, to make room for an extraordinary man, of whom it is no disparagement to all his predecessors at New Orleans to say that, above all others, he was the man for the exploits of that crisis; by a series of insignificant occurrences providentially appointed to snatch the country from at least prolonged hostilities, the Union from dismemberment, republican government from jeopardy, and close the imperilled war in a blaze of glory, which has never since, for more than thirty years, ceased to shed not only unequalled prosperity on these United States, but beneficent light upon all mankind. General Wilkinson was ordered from the south-western military district, of which the head-quarters were New Orleans, to take command of the northern army, where his failure authorizes fear that he would have failed in the South. Harrison's resignation made a place for Jackson; to which Hampton's resignation super-added a higher place, warranted by his Creek campaign, which disciplined him for the British. Neither Harrison nor Hampton would probably have commanded at New Orleans, no one will affirm, as Jackson did. General Flournoy, who succeeded Wilkinson there, retired, as Harrison did, upon a pique of hierarchical etiquette; his military talent never tried. General Benjamin Howard, of Kentucky, once Governor of Missouri, who was ordered to succeed General Flournoy, died before he got to his post. General Gaines, dispatched, with great haste, to New Orleans, when apprehension for it seized the Executive, did not arrive till Jackson had expelled the enemy. General Winchester, once Jackson's superior in the regular army, ordered to the South, and impatiently expected by him at Mobile, if sent to New Orleans, when Jackson repaired thither, could not have supplied his place there. Accident, mortality, vanity, various insignificant causes removed, one after another, all these commanders, to make room for the one

whose genius fitted him for many places, but especially for that, where enemies and difficulties, in the mob which he armed and organized as an army, were much more formidable than the army he led them to vanquish. None but a man of iron nerve could have saved the country in one of those conjunctures when national sovereignty, reduced to popular elements, succumbs; and people, cities, states, persons spontaneously step forward, by local, individual, and unauthorized heroism, to assume command, and save from ruin that transcendent thing, the commonwealth. For such a crisis Andrew Jackson was born; and for its four months' duration in the South, he was the government.

From the reception of Gallatin's alarming London letter of the 13th of June 1814 (see page 193 of vol. ii.), in the sultry solitudes of Washington, all was alarm there for the country, the administration, the war, and the Union. The capital sacked, Baltimore attacked, the Penobscot Valley subdued and basely surrendered, all the Atlantic cities, coasts, and harbors beleaguered, New York invaded by land and water at Plattsburg, the Hartford Convention avowed in its treasonable designs, the banks all broke south and west of New England, credit and confidence suspended, the federal treasury collapsed and exhausted, three or four persons at the seat of government, alone administering it, were aware of the real danger, more than ignorant of where the greatest pressure was to be, when, or how the fatal blow would be struck. Gallatin's letter did not hint. That uncommonly intelligent and observing watchman on the tower, at the very edge of the enemy's camp, through Alexander Baring in communication with Castlereagh, through Madame de Stael with many of the best informed ministers of the great potentates in London, with all his own pre-eminent shrewdness and anxiety to learn, yet had no idea that the South and West were the destined theatre of military operations. His warning letter cautioned New York, Washington, Baltimore, looked as far south as Norfolk; but gave no alarm for the great cotton-fields; although Admiral Cochrane's atrocious invitation to the slaves of that region to revolt preceded it by some months.

The national executive, absorbed by apprehensions for its own poor seclusion, distracted in its councils, exhausted of all means, totally depopularized, utterly discomfited, faced Congress, specially convened, the 19th of September, under fearful responsibilities.

After his victorious apprenticeship to war by the Creek campaign of 1813, '14, Jackson, promoted to a division in the regular army, but feeble in health, having dismissed his volunteer followers, was stationed with a small regular force at Mobile. Clear-sighted as was his illiterate sagacity, and with all his natural comprehension of view, he could hardly conceive, nor had the government at Washington, or their ministers in Europe an idea that, from New Orleans to Plattsburg, through the valley of the Mississippi to the eastern lakes, British armies, sent from Europe, were to penetrate, concentrate, and meet each other, at the cities of New York, Baltimore, and New Orleans, after achieving vast continental subjugation. But, by overruling Providence, Cochrane's proclaimed appeal to the slaves roused, alarmed, provoked, and united all the south-west as one man. Opposition to the administration yielded to dread and hatred of so detestable an enemy. The south-western press called local as well as national patriotism to arms. The mass, fermenting with resolves of resistance, enlightened the public mind by that common sense often in advance of individual intelligence. As Bonaparte inherited from the French Revolution much of the feverish energy which enabled him to lead France to prodigious efforts, so Jackson, like Bonaparte, one of the plebeian multitude, caught from their ardent mother-wit enthusiastic resource for a great occasion. The detestation England excited by employment of Indians, attempted insurrection of slaves, and appeals to pirates, produced admirable counteraction, which Jackson wielded with a master's hand. While stationed at Mobile, learning through a merchant there, and his mercantile correspondents at Havana, that the few hundred men and Indians whom Nicholls was to lead were probably the advance of a much larger force, whose object was New Orleans, he apprised government at Washington, and thought

that his repeated warning was not heeded as it deserved to be. There is reason to believe that he likewise secretly sent an agent to Havana to discover, and was convinced that large British forces from Europe were preparing for New Orleans. Still it was altogether conjectural where they would land, what places they would first attack, and to what extent their invasion was designed to go.

One thing, however, was certain, to wit, Spanish connivance, if not co-operation: and there was reason to suppose that the restoration of Louisiana to Spain by British conquerors was an understanding of Spain and England. Old Spain was deeply indebted to England for emancipation from French conquerors. The alliance between those two kingdoms was extremely intimate. The Creek war of 1813 was by Spanish co-operation, if not instigation. Pensacola, a Spanish place of arms on the Gulf of Mexico, was convenient for British dealing with the Indians, arming and urging them against the United States. The dreadful massacre at Fort Mimms was prepared at Pensacola. British vessels of war and troops were continually there, in full alliance with Spaniards. Jackson deemed the expulsion of the British from Pensacola indispensable. His daring forecast, and judicious, if extra-legal, assumption of authority, when the supreme law of public safety required it, prompted his determination to deprive the British enemy of Spanish Pensacola. Before Nicholls attacked Fort Bowyer, Jackson complained to the Spanish Governor of the unlawful aid and comfort given at Pensacola to those Creeks, who, rejecting the treaty Jackson had imposed on that vanquished nation, were welcomed, succored, armed with British weapons, and drilled by British officers at Pensacola. To that remonstrance the Spanish Governor haughtily replied that he should protect, clothe, and feed *his* Indians, and that the American general would hear more of it; alluding, as was supposed, to the large British force from Europe, advancing with revolted slaves and excited savages to invade Louisiana. Angry and reproachful correspondence ensued between the Spanish governor and General Jackson, in the course of which the General's complaint was retorted by the Governor with force.

"Revolutionists have been allowed," said he, "to plot, in New Orleans, the insurrection of Mexico, and pirates allowed, at Baratavia, a foothold whence to depredate on Spanish commerce: causes of offence to Spain more unwarrantable than the alleged harboring of Indians, and arming of English at Pensacola." The bearer of that Spanish retort had hardly left Mobile when combined British and Indian forces, equipped at Pensacola, attacked Jackson's outpost at Fort Bowyer. Before leaving Pensacola, they boasted that they would soon bring back the garrison as prisoners of war. Returning defeated, they were succored as allies, their shattered vessels were refitted, their wounded nursed, and every relief to them extended by the Spanish authorities, who seemed to cast aside the veil of neutrality. The public stores were put at their disposal. Colonel Nicholls was domesticated in the Spanish Governor's family. British soldiers garrisoned the Spanish forts. In short, Pensacola was made a British station. The south-western population and press indignantly denounced such Spanish subserviency to British hostility as a flagrant violation of the law of nations and our treaty with Spain; both of which, the written and unwritten law, justified the immediate abatement of so intolerable a nuisance. Jackson repeatedly, in June, July, and August, 1814, wrote to government for leave to drive the British from Pensacola, and to substitute an American for the Spanish garrison there, to hold the place for Spain till, by adequate force, that power maintained her neutrality; than which double dealing, no alliance is more injurious. The President, wisely averse to risking war with Spain, was still disposed to authorize Jackson's dislodging the enemy from a Spanish fortress, whose pretended neutrality they so injuriously abused. On the 18th of July, 1814, therefore, the Secretary of War's letter was addressed to Jackson, with permission cautiously, perhaps reluctantly, given. But that letter never reached Jackson till the 17th of January, 1815, six months after it bore date, when the British had been driven out of Louisiana, and the war was over. Soon after that letter was written, the Secretary of War, General Armstrong, incurred the public odium, of which

much fell to his share, for the capture of Washington, and was driven from his place there, as he deemed, with President Madison's unworthy acquiescence. Armstrong always claimed the merit of selecting and promoting Jackson, somewhat in despite of Madison's wish. And in Armstrong's *Memoirs of the War*, not published till many years after events still rankling in his breast, he charges Madison with the gross offence of detaining the letter of the 18th of July, authorizing Jackson to seize Pensacola, till after the war. Madison was incapable of such paltry duplicity. Most probably that letter, like many others, was mislaid in the post-office, or by some other accidental hindrance detained so long from its destination.

At all events, without authority, Jackson resolved to act on that personal and daring responsibility which he never hesitated to assume in any emergency, when he deemed it right, and to throw himself, life and character, upon popular vindication. Having advised the President of the British design to invade the country, beginning with an attack from Pensacola on Fort Bowyer, which was repelled, and getting no answer to his reiterated advices and entreaties for leave to dislodge the invaders from their Spanish fortress, Jackson, at Mobile, with small detachments from the third, the thirty-ninth; and forty-fourth regiments of United States infantry, and a few militia, conceived and executed the bold but well-contrived and completely successful design of raising, combining, and leading an army of sufficient force from Mobile for the capture of Pensacola. His authority to call out militia was exhausted or fulfilled. Military chest or funds he had none or scarcely any. But he knew that the Tennessee riflemen were always ready for action, and that his faithful followers, under General Coffee, throughout the Creek campaign, would, with alacrity, rally again to his standard at the first sound of his trumpet. Accordingly, he called for them; they flew to his support; and it is a memorable fact, to be preserved by history, that the British plan of invading New Orleans from Mobile was foreseen and frustrated by Jackson, without the orders, the aid, and hardly the consent of government. With a few recruits of three regular regiments, Major Hind's battalion of Mississippi dra-

goons, some militia, and Coffee's brigade, embodied at Mobile, Jackson marched for Pensacola, near which place he pitched his audacious tents, on the 6th of November, 1814. After seizing the place, whereby he cleared his left flank of the enemy, and was enabled to take post at New Orleans, without danger or apprehension from that quarter, still it was altogether uncertain by which way the British would approach,—the avenues by water and land were so many to that key of the south-west, that great military providence was necessary to determine how best to station the few troops Jackson had at command. His position was excellent, according to military judgment, when, leaving General Winchester, with some troops, at Mobile, and fixing Coffee, with his brigade, at Baton Rouge, the wary commander-in-chief stationed himself at New Orleans. There, like the American eagle perched, surveying the vast expanse of sea and shore, forest, morass, rivers, and lakes, of an alluvial region, anxiously watching the approach of the British lion, a Tennessee warrior, who had hardly ever encountered a regular soldier, took post. With characteristic secrecy, he nevertheless took special care to inform all his officers that, resolved to strike the ruthless invaders as common robbers of mankind (as every day he taught his raw troops to consider their foes), to strike them fatally, in their first position, the instant they touched the American soil, he would harass, torment, and annoy them till expelled. His Creek campaign, and what may be called his Spanish campaign, were salutary lessons for the British campaign. Too far removed from the general government to be controlled or much aided by it, even if its own embarrassments had not incapacitated it for such superintendence, Jackson learned from the Creeks and from the Spaniards how to wage war with local support and by his own resources.

From his encampment near Pensacola, sending Major Peire, with a flag of truce, to Governor Manriques, that officer was fired upon and driven back unheard. A message from the governor however soon following, with an excuse for that insult to the flag, Major Peire was sent again, at midnight, with assurance that General Jackson designed no more than defence against

English hostility; and that all the American commander required, but that he insisted upon, was leave to hold Forts St. Michael and Barancas till Spain could man them so as to maintain the neutrality she professed, but had not practised. Till Jackson's approach, the British flag floated with the Spanish flag on the ramparts. Captain Gordon, whom he made a pretext for introducing with a flag to Pensacola, in order to report the state of things, saw British troops and Indians in British uniforms, with new muskets, drilled by British officers there; and confidential Indians, sent by Jackson, returned to him from Pensacola with the same accounts of British hostile agency.

The Spanish governor, Manriques, after holding a council of war, rejected Jackson's proposals, which were repeated a second time, who thereupon forthwith led his troops to assault the town, and at the point of the bayonet carried a street-battery which fired on his column, soon silencing the musketry assailing him from blockhouses and enclosures: a few men being killed on both sides in the conflict: the British firing from their shipping silenced by cannonade. The governor, terrified by such unexpected aggression, surrendered in consternation, and despatched orders to the Spanish Colonel Soto, commanding Fort St. Michael, to do so likewise; Jackson offering the same terms on which Manriques surrendered, which Soto accepted. But, after capitulating by them, then, by English subornation, as Jackson affirmed, the actual surrender of the forts was delayed till night, to afford time for destroying the fortifications and the English an opportunity to escape. Colonel Nicholls, who had lost an eye at the attack of Fort Bowyer, with the British troops, thus got off in their shipping, after the cannon in the forts were spiked and the forts blown up. Some of the Indians fled on shipboard. The rest, left to themselves, wandered, half starved, to the Apalachicola, whither Jackson, on the 16th of December, 1814, despatched Major Blue, of the thirty-ninth regiment, with a thousand mounted men, in pursuit, to hunt, harass, and give the savages no rest; which was the last of their discomfitures in that war. The Indians being thus demolished, and the negroes, bond and

free, dismayed, the pirates of Barataria Jackson employed in many useful ways at New Orleans.

After occupying Pensacola two days, entirely disarmed as it was by the Spaniards, and deprived of efficient forces, both land and naval, by the flight of the British, there being no longer any means there of hostile annoyance, General Jackson wrote to Governor Manriques that there was no occasion for an American garrison in the place, which he therefore restored to the Spaniards; for it was out of his power to protect their neutrality in forts treacherously destroyed by the British after having been surrendered by the Spanish, and then deserted by the enemy whom it was his duty to drive away. The British offered to rebuild and reinstate the fortifications. But the Spanish governor, disgusted by their rule, and thankful for Jackson's restoration of the forts, not only refused all British assistance, but added that, if he needed it, he would rather apply to General Jackson, whose conduct had been much less offensive than that of the British.

By that bold stroke, Jackson's first for repelling invasion, the Spanish authorities, taken in flagrant delict, were silenced by his argument and subdued by his arms. The British, foiled, duped, and disgraced by the pirates, totally defeated at Fort Bowyer, and expelled at Pensacola from every foothold on the southern coasts, their Indian allies reduced, dispersed, and terrified, their negro auxiliaries, bond and free, roused, armed, and marshalled against them, Jackson began his career, in that short and brilliant campaign, with auspices and strokes of success: the Spaniards being dealt a severe lesson of the necessity of neutrality, and the British a foretaste of the continual discomfitures, which his admirable generalship soon consummated by their greatest disaster in America.

The first and the last of that natural warrior's collisions with civilized, disciplined, and formidable foes displayed the habitual boldness, quickness, the moral as well as physical courage of his aggressive warfare, planned with forecast, regulated by prudence, and justified by good cause well pleaded. Eager and restless for action, wary, silent, and politic, aware that nothing less than an act of Congress would authorize offensive

hostilities, and that the Executive shrunk from adding Spain to an already redoubtable enemy, still, planting his standard on the Spanish treaty and the common law of national self-preservation, without authority from his superiors, when to succeed might, and to fail would, inevitably, disgrace him, from the wilds of his encampment, with no counsellor but his own excellent sagacity, Jackson took the responsibility, which on so many conjunctures he delighted to assume; and, once resolved, struck with all his might. Though the British, Indian, and Spanish forces in the forts and shipping amounted to considerable numbers, with vastly superior armaments and warlike accomplishments, he led his troops, warily but openly, at once into the very teeth of their guns, and, carrying a battery by assault, forthwith subdued the Spanish, expelled the British, and dispersed the savages. Much inferior in all the science and experience of arms to most of those he assailed, he faced European soldiery, uneducated in American apprehension of inferiority to such antagonists, the might, majesty, and dominion of whose historical renown did but on the contrary steel his fierce desire for bloody encounter with noble tacticians of the Old World, whose countrymen, Spanish and English, owed a large debt of atonement for cruel conquests perpetrated in the New. Born a British subject, his stripling sword had been fleshed against haughty and elegant transatlantic masters, whose renewed hostilities in the second war of independence were his daily theme of reprobation. By ultramontane life relieved from colonial reverence, living where regular soldiers were almost unknown, but nearly every man was trained to arms, the Tennessee barbarian, as Jackson was sometimes called, fought without that unmanning infirmity which disqualified many Americans, as brave and perhaps as patriotic as he, for equal combat with British foes. As he affirmed, the British at Pensacola, after treacherously inducing the Spaniards to violate their capitulation and destroy the forts, moreover carried off in their flight several hundred negro slaves of the Spaniards, which so exasperated them, that Jackson's first official account of Englishmen, in his despatch to Governor Blount, of Tennessee, indignantly characterized them, as pro-

nounced by the Spaniards, "no more civilized than our Choc-taws." Without fearing, he hated those he stigmatized as tyrants of the seas and disturbers of the world, by whose loud and unanimous plaudits that salutary enmity did not prevent the magnanimous kindness with which he treated those vanquished whom he defied as conquerors. Similar mixture of stern with fond treatment of his own troops subdued refractory freemen to his sway and endeared them to his person. Profuse of praises when deserved, his censures fell with merciless severity when provoked. The same despatch to Governor Blount, by a terrible parenthesis, blasted a Colonel Lowry as having *deserted and gone home*: than which no sentence of court-martial could more effectually punish. But few commanders venture to cast such censure among forces composed mainly of volunteers and militia, with respectable citizens serving as privates, and all regimental officers chosen from the ranks. With the peculiar aptitude which qualifies a general for confronting any enemies and commanding free troops, the Tennessee militia general was also duly sensible of the superiority of regular soldiers and more than ordinary militia-service for most military duties; and of the more than mortal peril of such episodes as his capture of Pensacola, without which, as he effected it, that place might have continued, and thereby New Orleans become, a British station.

The whole coast thus cleared of enemies, English, Spanish, and Indian, with wholesome lessons of disquiet to them all and of encouragement to our people; and General Winchester, for whom or some other brigadier Jackson had written, having arrived near at hand, to take his place in command at Mobile, on the 22d of November, he set off thence for New Orleans, where he arrived the first day of December, 1814; fatigued, uneasy, out of health, but cheerful, indefatigable, stifling all alarm, and uttering none but assurances of safety and triumph, provided the proper measures of defence were forthwith put in force. Before leaving Mobile, he had been constantly endeavoring, by correspondence with the Governor of Louisiana, to prepare the faltering spirits and organize the supine faculties of that State for approaching, inevitable, perilous, and

precarious conflict. The President's order of the 4th of July called forth one hundred thousand militia and volunteers. Those from the States of Kentucky and Tennessee, destined to descend the western waters for the defence of New Orleans, were promptly embodied by Governor Shelby, of Kentucky, and Governor Blount, of Tennessee. Zealous and cordial co-operation of the authorities and citizens of both those States marshalled many more than the requisite numbers. One-third of the whole militia of Tennessee took the field, ready to march anywhere, eager to face any foe. Drafted men refused to sell their places for money which others offered who were anxious to go. More substitutes appeared than enough to fill the places of the few excused. To march a thousand miles and more to encounter enemies whose successes in the war had been terrible and their barbarities atrocious, was the universal desire of that western chivalric commonalty, less educated, learned, and refined than their eastern fellow-countrymen, but much more patriotic. All they wanted was arms and ammunition. Regimentals, epaulettes, and ornaments they cared little for. There being a deficiency of funds for the Kentucky troops, gentlemen of property volunteered their personal responsibility for their payment. Never was a march of more than a thousand miles undertaken with more alacrity, or performed with more celerity, good order, and good effect, than that of these troops. The Kentuckians, under General Thomas, and the Tennesseans, under General Carroll, were drilled in the boats, while floating down the Mississippi river: overcoming the vast distance of their wild journey with marvellous expedition. They reached New Orleans just in time, their ardor yet unchilled by camp-hardships and untried by delays, to follow Jackson, surprising the enemy by assault the first night he set foot on our shore, and harassing him with incessant, daily and hourly discomfitures, till he clandestinely fled by night to his shipping, with dismay as egregious as the boldness with which he first landed. Government, either national or state, could not achieve those triumphs, though in the States of Kentucky and Tennessee it did well. They were exploits of individuals and institutions, of freedom and patriotism,

bringing forth with enthusiasm from the popular mass numbers, arms, courage, and discipline, organized for the rescue of a country in jeopardy, by a man of genius performing miracles, which government alone cannot accomplish without the raw materials of liberty, equality, and universal zeal.

The first session of the second legislative Assembly, held under a free constitution in Louisiana, specially convened by the Governor's proclamation of the 5th of October, to make provision against invasion of the State, was opened at New Orleans, on the 10th of November, 1814. Those familiar with legislative bodies are aware by how many selfish, sordid, factious, partisan, and grovelling jealousies they are exercised, hindering despatch, and difficult to manage; the leading few constrained to humor the idle or timid many, who commonly follow. The offices of Louisiana were held by persons of various nativities and different tongues, American, Creole, French, Spanish, and English. Many were alarmed and supine, not a few disaffected, some mercenary, and perhaps treacherous. William C. C. Claiborne, the Governor, was not popular. Several years before, he had given offence by executing President Jefferson's commands for suppressing the imputed treason in which Burr and General Wilkinson were charged with complicity. The Governor's correspondence with General Jackson, before his arrival, teemed with complaints of the evil spirit prevailing in Louisiana. "There were those," he wrote, "in whose attachment he could not confide, devoted to the interests of Spain, and whose partiality, even to the English, was as observable as their dislike of the American government." There was great disaffection at the metropolis; and, among the faithful, despondency paralyzed his preparations. The population was so mixed, that as much was to be feared within as without. The Legislature disregarded the Governor's requisition for militia. The country was full of spies and traitors. It caused him indescribable chagrin, the Governor declared, that he was not at the head of a willing and united people. Americans, Louisianians, Frenchmen, and Spaniards, with some Englishmen, composed the mass of the population, among whom there was great jealousy,

and as great differences of public sentiment as of languages and habits. Even faithful citizens persuaded themselves that Spain would soon repossess herself of Louisiana by a combined Spanish and English force. Papers, taken from the pirates at Barataria, implicated considerable merchants at New Orleans in gross offences. Colonel Coliel, from the Spanish garrison of Pensacola, on a visit to his son-in-law Lacroix, a rich planter of Louisiana, was detected in correspondence with Pensacola, giving his impression of the extreme weakness of Louisiana, and his assurance that it would fall an easy prey to the invaders: for which the Governor, with the Attorney-General's sanction, without any other law than that of mere necessity, expelled the Spanish colonel from the State. The United States Judge, Dominick A. Hall, and Attorney John Dick, were both Englishmen naturalized, liable to be hanged, according to English law, if taken in arms fighting for their adopted country. One of the judges of the Supreme Court, Francis Xavier Martin, was a Frenchman by birth, as were many others in office and authority. Tousard, a French officer of Rochambeau's army of the American Revolution, who remained residing and married in this country, recently rewarded for his fidelity to the Bourbons by the appointment of Consul at New Orleans, with therefore, at that moment, inclinations more English than American, was importunate in his demands of exemption from military duty for French inhabitants, some of whom had been naturalized, and held office in Louisiana. The inhabitants of south-eastern Louisiana were considered less reliable than those of the coast and the western parishes. The militia of other States were, in fact, the main reliance for that State.

In his speech at the opening of the Legislature, the Governor was obliged to make the best of bad things. There was reason, he informed them, to apprehend an attack by from twelve to fifteen thousand British troops, but whom he hoped to be able to defeat. Not only, however, till after Jackson's arrival, but till after thoroughly alarmed by the capture of the gun-boats, which were the only defence of the city from the enemy's approach by the lakes, did the Legislature shake

off its lethargy. They needed a chief to whom all could look up for direction and confidence, with that concentration of power which, on such emergencies, is indispensable. There were no funds, and no credit. The banks paid no coin, of which the rich hoarded what they had. Committees of the Legislature and self-constituted committees of safety differed in their projects. All business was at a stand, confidence annihilated. Jackson was looked for with a desponding and gloomy expectation, which prepared public sentiment for his seizure of absolute command. Although some wished for a commander of more military experience, with several years' service against civilized enemies, instead of the general of but a single campaign, and that with mere savages, yet nearly all acquiesced in the necessity of some leader, and welcomed one heralded by reputation for decision and intrepidity.

Jackson's instantaneous, constant, and judicious labors of preparation, personal examination of the most vulnerable points of exposure by the river and the lakes, unremitting vigilance, strict discipline, stern control, and serene confidence, soon satisfied most people that he was the man for the crisis. Induced by the Governor to doubt the loyalty of the inhabitants, he counselled with the most respectable, asking their advice respecting the important and delicate problems he had promptly to solve, some of them knots to be cut by the sword. A stranger in the midst of a motley, indolent, and despondent population, of various tongues, habits, and prejudices, most of them bred in the apathy of oppression, unused to liberty and self-government, ignorant of their language, little aided, if not thwarted by the local government, and too far from that of the nation to receive much of its succor, reduced to his own individual energy, sagacity and resource, seldom has one man's spirit been more efficacious in rousing that of an apathetic community for its preservation. Indolence, supineness, distraction, and despondency, were the elements from which he had to raise up unanimity of effort and ambition of exploit; if possible to fanaticize, at all events to organize and arm, in the same ranks, men who could hardly, in one language, tell each other their fears. Their city was without

fortifications; their militia in want of arms; many of the muskets had no flints; some persons were armed with pikes; the whole regular force fell short of a thousand raw recruits; and whether and when the Kentucky and Tennessee militia would arrive, if ever, in time, was uncertain. The Legislature, in session, full, as such bodies are, of little great men, was intractable to authority, and crude in function. The whole population were to be marshalled, in spirit as well as arms, against enemies seducing and undermining state loyalty by proclaiming peace, deliverance from oppression, restoration to accustomed allegiance, and ameliorated prosperity.

Under these discouragements, Jackson's greatest merits were composure and serenity. The silence of fear is weakness. But the taciturnity of inflexible resolution is a great method of achievement. Racked by doubts, and enfeebled by disease, Jackson kept his countenance without a look of complaint or discouragement, and his determinations profoundly secret from all but those to whom it was necessary to disclose parts of them. Discountenancing all apprehension, he severely condemned inaction; declared those against who were not for us; treated despair as disloyalty; proclaimed victory or death; that we must die, if necessary, in the last ditch; that the key of the south-west, New Orleans, must, could, would, and should be saved. While at Mobile, he had written to the Governor to place impediments in all the creeks that led from the lakes. His first proclamation, issued there on the 21st of September, 1814, summoned the free people of color to embody themselves and arm for the defence of the country, of which, though inhabitants, they were not, and never could be, citizens. He offered them the same pay and bounty as were allowed to United States troops; the selection, from among themselves, of their own non-commissioned officers, promising to appoint commissioned officers from their white fellow-countrymen; and to employ the colored troops as an independent corps, exposed to no uncomfortable associations, or unjust sarcasms. Soon after his arrival at New Orleans, he called, through the Governor, for large gangs of slaves, the only workmen to withstand the climate, and, in the marshes, erect fortifications, who were

furnished in greater numbers than required; ready, if necessary, to be embodied and led to action against the British, proclaiming their emancipation from bondage, and other inducements to revolt. The relation of master and slave in the United States countenances the common European impression that American slaves would revolt at the instigation of foreign invaders to join them in attacking their masters. But they would be much more apt to defend than assault their masters, under foreign instigation. Russian serfs, two years before that British attempt on American slaves, proved of great service to their country by laying waste their masters' possessions through which the French invasion proceeded. Throughout our war of 1812, the free colored people of the United States served with fidelity, both by sea and land, against the common enemy. In the peculiar relation between African slaves and American masters, while insurmountable estrangement prevents social equality, and postpones indefinitely the abolition of slavery, powerful inducements cause mutual kindness between master and slave. Exotic sympathy with slaves deteriorates their condition. Foreign forcible interference must be destructive. Abrupt emancipation is more detrimental to the slave than bondage. Kindness to the red and black races of this country is the duty of an American union of States, where slavery, not merely local, is national concern. The United States must unitedly repel the pragmatic interference of foreigners with the Indians or slaves of this country, and, as a national obligation, prevent those Europeans who planted African slavery on this continent, now that it is deeply rooted in our soil, from meddling to tear out, by violence, what time and Providence alone can change.

New Orleans, defenceless as it was, and hopeless as its case seemed to be, was not more so than Washington, a few months before, and the magnificent capital of the French Empire, Paris, twice within the preceding twenty months. Among that homogeneous and strictly governed population, disaffected, mercenary, and treacherous creatures abounded, male and female, noble and vulgar, military and civil. Paris swarmed with spies and traitors, who, with members of the legislature

in both branches, vapid orators, short-sighted patriots, and intriguing functionaries concluded Napoleon's fourteen years of overarmed depotism by ignominious surrender. The metropolis of the most disciplined country of Europe was taken relatively less provided with arms, troops, warlike munitions, fortifications, public spirit, energy of command, or cordiality of service, than a provincial town of the American Republic, fifteen hundred miles from the seat of government. One prodigious man, by established dictatorship, protracted beyond endurance, unmanned and disheartened France, disaffected and lost Paris. Another uncommon man, by momentary and necessary dictatorship, saved New Orleans. The same heroic remedy, that was fatal to an overgoverned, saved a free people; though, in both instances, overruling circumstances did more than any individual to produce the great results which shape the course of human events. While there can be no question of Jackson's peculiar talents for the glorious part he performed, the British apology for their defeat is not without foundation. Natural hindrances were almost insuperable. Vast swamps protected New Orleans. A winter of unprecedented severity paralysed some of the invading troops, particularly the black regiments. The army could get no food, ammunition, or artillery, but what the soldiers or the sailors had to carry in open boats, or drag, with distressing toil, almost a hundred miles, through morasses, creeks, and pathless wilds. They had no tents, barracks, hospitals, fresh or sufficient food. They marched through regions strange, barren, and desolate, contending with what Napoleon called, in his Polish campaign, the new element of mud, much worse than he found it. Destructive vicissitudes of weather, warm, enervating days, drenching rains, cold freezing nights, without protection, must be acknowledged as advantages of the American general, to whose genius, nevertheless, so much admirable achievement is justly ascribable, in personally superintending the minutest details, and his fertility of resource supplying numberless deficiencies. The flints were taken from Lafitte's pistols and applied to muskets. The old men of the city gave their muskets to the young, and armed themselves, for fireside service,

with fowling-pieces. Pikes were used as weapons. And, what was much more important than any supply of materials, the general spirit of fierce defiance to the enemy was soon infused into nearly all. Old and young, native and naturalized, French and Creole, black and mulatto, bond and free—all were roused from lethargy to action. Militia and volunteers flocked, by forced marches from all parts of Louisiana, to New Orleans. The planters for several miles round that city, on both sides of the river, furnished their slaves by thousands, and sent them wherever wanted for any labor. Most of the artillery, ammunition, and provisions were transported by slaves voluntarily furnished for these purposes. Whenever military detachments or others on public service stopped at any plantation, they were abundantly supplied with food, forage, and other necessities. Those planters whose estates were occupied, rifled, and ravaged by the enemy were among the foremost in generous contribution to the public exigencies. Messrs. Villeré, Delaronde, Lacoste, and Bienvenu, whose sugar-plantations were entirely devastated, their dwellings burned, their slaves by hundreds stolen, were active and efficient, with their sons and dependants, in the battles. The uniform-companies of the city, commanded by Captains Roche, St. Geme, Hudry, White, and Guibert, with Major Plauché, Captain Beale's rifle-corps, and two troops of horse, headed by Captains Chaveau and Ogden, Captain Dubaclaray's troop from Attakapas, Captain Smith's from Feliciana, and Captain Griffiths' from Bayou Sara, all volunteered, and served with constant distinction. The old men of New Orleans, headed by Mr. Debuys, senior, formed themselves into companies of veterans, to preserve the peace and civil order of the city and expedite the transportation of whatever was sent to the camp below. General Labatut commanded in town, with honorable zeal and activity. Mr. Nicholas Girod, the mayor, and the city council, so providently managed the supplies of sustenance that not the least want of it was felt. The ladies and all females of the city, even those least used to work, made clothing for the soldiery, particularly the sick and disabled. The nuns of an Ursuline convent were, as that class of females appear to be always, inde-

fatigable in their attentions to the sick, for whom a monastery was used as a hospital. All the physicians and surgeons of the city gave their gratuitous assistance, not only in the town, but at the camp. To the six thousand dollars voted by the Legislature eight thousand more were added by private subscription, and applied in the purchase of clothing for the suffering, ill-clad soldiery. Three gentlemen, Mr. Fortier, the elder, Mr. Joseph Soulie, and Mr. Louallier, an important member of the Legislature, appointed by the Veterans a committee to relieve the sick and needy, performed that service with untiring assiduity. Governor Claiborne, as a military officer and a civil magistrate, was always in the field or the cabinet, performing his eminent part with exemplary fidelity.

The State Legislature were of little service in repelling the invasion. Procrastination and languor palsied their measures, which, till five weeks of their session elapsed inactively, were much more a hindrance than a help to the military operations. The governor officially urged in vain their adjournment. Both houses persisted in session from five weeks before the enemy's arrival until three weeks after his departure. Of the forty and more members only four served in arms, although some few performed other useful services. The Sergeant-at-arms and Door-keeper of the Senate got leave of absence in order to do military duty. But the example of those humble patriots was followed by few of their superiors in station, and the Speaker of the House of Representatives had leave of absence under very suspicious circumstances. Merely perfunctory legislation was the order of the day in both houses, nearly every day, and night, for they often held sessions at night, and sometimes on Sunday. After each of the battles of the 23d and 28th of December and 8th of January, a quorum did not meet during several days. On the 25th of December, an untoward controversy arose between the commanding general and the legislative bodies, which thenceforth engrossed more of their attention than any thing else. And when they finally adjourned, on the 6th of February, 1815, they dispersed without the customary acknowledgments so justly due to General Jackson; leaving him, moreover, involved in a quarrel with the

United States judge, which, as well as that with the Legislature, forms a memorable part of the occurrences of the conjuncture. Not a tax was levied. The tardy report of the Financial Committee of the House for taxes on cotton and sugar was never taken into consideration. The presiding officer of the Senate had recourse to the unusual act of a public rebuke of the committees of that body for their neglect of the duties assigned to them. During several days preceding and following the battle of the 23d of December, the Speaker of the House of Representatives was absent by leave of the house, but not to take part in that battle, and charged with treasonable disaffection. Until the gunboats were captured and jeopardy was at their doors, the Legislature made scarcely any provision for the crisis. What they did at last was but tardy and inadequate, if not unjust interference with private rights, instead of timely public anticipation of common danger. Taking impressions from the press or individual statements, there might and no doubt would be diversity of opinion on this subject. But the face of their Journals, which are my guide, leaves no question that the Legislature of Louisiana were unequal to the contest. Two weeks before Jackson arrived at New Orleans, a joint Committee of Defence was appointed by both houses, and they voted thanks to him. But next day, the vote of thanks was reconsidered; and the Committee of Defence did not report until nearly a month after their appointment. On the 23d of November, fourteen of the Senators, on motion to that effect, took an additional oath to the Constitution of the United States. But next day, a motion that the Members of the House of Representatives should do so likewise was postponed till the first Monday in December, by fourteen, as would seem from the names, French members, overruling ten, most of whose names are American. Although as soon as Jackson arrived, on the 2d of December, both houses unanimously voted thanks to him, yet little more was done till jeopardy, which alarmed the Legislature, empowered him to execute, without much aid from them, indispensable precautions. On the 5th of December, Fulwar Skipwith, President of the Senate, stated the necessity wherein he found himself of renewing prior

complaint of the neglect of the several chairmen of committees to report on the business referred to them ; he had applied to every chairman, and required a more diligent discharge of their duties ; but, except in one particular instance, none of them had reported. On the 22d of November, Louis Louallier, Chairman of the Committee of Ways and Means, in the House, reported a still stronger rebuke of their supineness. " Shall we always confine ourselves," said that report, " to addresses and proclamations ? Are we without dangers to dread ? Is our population such as to ensure our tranquillity ? Are we always to see the several departments entrusted with our defence languishing in inactivity which would be inexcusable even in time of peace ? No proof of patriotism appears, but in a disposition to avoid all expense, all fatigue. Nothing has yet been done. No success can be hoped for, but by a course the very opposite of that hitherto. If the Legislature superadds its inaction to that of the community, capitulation, like that of Alexandria, must before long be the result of such culpable negligence."

Without free access to British archives of state, it is not in my power to explain why Great Britain invaded Louisiana while negotiating for peace at Ghent. British accounts, official and historical, extremely rare and meagre on the subject, by their reticence put us to conjecture. The public journals, public reports, individual assertions, are all we can appeal to. Was conquest the object, or plunder ? Was there concert between Great Britain and Spain ? Was the royal French government engaged or solicited to co-operate in the restoration of Louisiana to Spain ? Or, was England to take and to hold the region of cotton ? As early as August, when Ross marched to Washington, Nicholls making the descent on Florida, proclaimed an expedition to restore Louisiana to Spain. The London Courier, ministerial journal, stated, for the benefit of English manufacturers, complaining of the want of cotton, that it was the design of government to take a certain district where it abounded. The American seaport impression was general that New Orleans would be taken by the British, if only for plunder. One hundred thousand bales of cotton,

worth an average of ten cents a pound there, and two shillings a pound in England, each bale containing 320 pounds, amounting to 32,000,000 pounds, were estimated as in store at New Orleans; and forty thousand bales more in the hands of planters, the crop of 1814. Ten thousand hogsheads of sugar, each containing 1400 pounds, estimated at nine cents a pound; half a million of dollars worth of shipping, together with some tobacco, hemp, lead, and other produce, were booty enough, perhaps, to justify the expedition for mere plunder. But British colonial as well as metropolitan journalism assigned motives more extensive and permanent than the prize-money to be gained. A Barbadoes paper of the 7th of November, 1814, stated: —

“On Friday last, arrived at this port, in forty-eight days from Plymouth (having taken a route, for secrecy, different from that usually followed by vessels from Europe), his majesty’s ships Bedford, Norge, Alceste, Bucephalus, Belle Poule, Dover, Hydra, Gorgon (a store-ship), and Norfolk (a transport), with 2300 troops and military stores, under the command of Major-General Keane. Dr. Thompson, formerly deputy-inspector of hospitals on this station, is attached to the division as inspector of hospitals.

“The expedition, it is supposed, will leave this in the course of the present week. At this place they take on board about 1200 troops, and then proceed to collect those at Martinique, Guadaloupe, St. Thomas, and Santa Cruz; comprising in total about 6000 men. They then proceed direct to Jamaica, and take in munitions and stores for their final destination.

“As this is only the van of a grand expedition, which must ere this have left England, consisting of three hundred sail of men-of-war and transports, it develops an extensive and magnificent system of operations, highly creditable, and consistent with the grandeur of the British empire. And as there is no other point, in these latitudes, to afford an ample field for the exercise of so large an armament, their destination is undoubtedly for New Orleans, the capital of Louisiana; and it is but fair to conjecture that it is the purpose of our ministers to extend the line of military operations along up the Mississippi and Ohio rivers till they meet and communicate with our forces contiguous to Lakes Michigan, Erie, and Ontario on Upper Canada, and thus completely encircle the United States.”

Large territorial conquests and acquisitions, distinctly enunciated by that publication, seem to conform with the intrinsic improbability of so great a military and naval enterprise being undertaken for any ephemeral or shortlived purpose. General Keane, with the van of the army, left

England about the middle of September, soon after Ross marched to Washington and Nicholls to Florida, all preliminaries to the winter-invasion of Louisiana, apparently designed for its permanent occupation.

A Montreal journal of the 14th of January, 1815, speculated to the same effect: —

“An evening paper of the 3d, from New York, adds, that an express had arrived from the southward stating the British force to have passed the Balize, to the number of 150 sail of vessels of all descriptions; the master of the schooner affirms that he actually saw 70 of them from his vessel. It may be concluded, in consequence, that hot work would soon follow, or that the place would be an easy conquest. We may calculate upon the latter, as it is well known that the bulk of the population is averse to the tyranny which has been exercised by the American government in that quarter. In fine, the occupation of New Orleans will be the means of securing the friendship and commerce of the States west of the Apalachian mountains, which contain more than a million of inhabitants, whose ruling passion is interest. They will be loyal to the nation which can best protect them and secure to them the most gain. We see an example of this in the late acquisition east of the Penobscot river: there the people are already (to appearance at least) become loyal through interest. Castine is the key of protection to them as New Orleans is to the country above it. The Western States, according to a law now pending in Congress, will be saddled with war-taxes to the amount of 823,000 dollars annually, which they may elude by declaring neutrality. There cannot be much doubt of their disposition to resist taxes as much as they would the British arms. We might enlarge on this subject, but shall, for the present, close our speculations and wait another period, when things will be better developed.”

No absurdity of conjecture or calculation, no English ignorance of the temper, spirit, unanimity, and integrity of the Western States, should be suffered to prevent the conclusion, to which such British colonial speculations lead, that the invasion of Louisiana contemplated more than a mere irruption for temporary purposes. In 1851, when this is written, and the Valley of the Mississippi is become vast beyond our own anticipations, with people and progress, we can hardly realize the infatuation of European ignorance of it in 1814.

Our own opposition journals affirmed the fall of New Orleans, and calculated the worth of the capture. The Georgetown Federal Republican of the same 14th of January, 1815, said, “The suspicion gains ground that the government is in

possession of the official account of the capture of New Orleans." On the 17th of that month, it declared "that Mr. Madison will find it convenient, and will finally determine, to abandon the State of Louisiana, we entertain no doubt. Let the issue decide whether we do the man injustice. An inquiry by Congress into the fall of New Orleans or of Mobile, when the intelligence transpires, will fix the blame on the Executive." On the 20th of that month, it said, "A few African and West India regiments, accustomed to such a climate, will be sufficient to garrison New Orleans, while the Wellington troops will return to the Chesapeake, and those in Canada, like another horde, rush into New York and overrun the Northwest." The New York Evening Post of the 30th of January, 1815, published a letter from Washington, dilating on the terrible mismanagement of the government in permitting the Kentucky troops to arrive at New Orleans without arms, adding, "It is the general opinion here (Washington) that the city (Orleans) must fall." A member of Congress said absolutely that government was in possession of information that the British had taken New Orleans.

While such were British plans and American impressions, the rescue of that region was gloriously effected: but not till misfortune and terror supplied the General with authority, military and civil, which was indispensable.

A preliminary stroke of adversity fortunately enabled Jackson to accomplish, with the Legislature, the community, and the unorganized soldiery, what, without that alarm, he had been, and might have remained, unable to effect. On the 14th of December, when the Assembly refused to suspend the writ of habeas corpus, 1200 picked British seamen, in 43 barges, mounting as many cannon, under Captain Lochyer, who commanded the brig of war *Sophia*, in the attack repulsed at Fort Bowyer, and in that vessel attempted to seduce the pirates of Barataria, overtook and captured the five gun-boats and a schooner, manned by 182 men, under Lieutenant Thomas Ap Catesby Jones, at Malheureux Islands, on Lake Borgne; by that capture, opening the enemy's way, without resistance, let or hindrance, to the immediate vicinage

of the metropolis of Louisiana, and to that city itself, if the first detachment had not halted by the way.

An anonymous letter, dated Pensacola, December 5th, 1814, apprised Commodore Daniel T. Patterson, who had for some time commanded the southern naval station, that Admiral Cochrane, the British commander-in-chief, arrived there the day before in his ship the *Tonnant*, with more than eight sail, and double that number momentarily expected, vessels of all descriptions, with a large force, having swept the West Indies for troops, leaving no means untried to obtain their object, which was generally understood to be the attack of New Orleans. As it was impossible to foresee whether the attack would be made by the river Mississippi or the lakes Borgne and Pontchartrain, the points and passes of both river and lakes had been as well fortified or obstructed as they could be with inadequate means, in a short time, to prevent approach by either. Twenty-five gun-boats on the lakes would have rendered it impossible to approach by their shallow waters, where large vessels could not go. Perfectly aware of that, the enemy came prepared with a great number of large barges and launches, adapted to the navigation of shoal waters; which barges and launches gun-boats enough would have rendered unavailing, and driven the enemy to Mobile and Florida for a landing and starting point, whence a march through the pine forests and swamps to New Orleans must have subjected them to inevitable destruction by the riflemen and sharp-shooting irregulars at Jackson's disposition. Yet the naval commander had only five gun-boats for the lakes, owing to unpardonable improvidence of government. A large flat-bottomed frigate had been partly built at Tchefonté, on the eastern shore of lake Pontchartrain, which vessel alone, armed as intended with forty-two heavy cannons, might have secured the lakes from hostile molestation, and thereby New Orleans from attack. But the building of that frigate was stopped by General Flournoy, the United States' brigadier in command; and all the representations of the Governor and Commodore Patterson failed to procure from government any adequate naval force. The consequence, probably, would have been the

capture of New Orleans, if the enemy had made the attempt a few weeks sooner, before the Tennessee and Kentucky troops arrived for its rescue, or General Jackson had time to organize and prepare such means as were at his command. Inevitable capture of the only five gun-boats we had, left the approach from Lake Pontchartrain to the Mississippi with little or no obstacle or impediment.

By many terrible warnings that war seemed to be providential. For, while royal government generally overdoes military precaution, republican as often is remiss in preparation against hostile injury. Steam was then just beginning to be applied to navigation; and though government can hardly be blamed for not using it to protect New Orleans, yet a flat-bottomed heavy frigate, to guard the lakes, was a cheap and simple floating fortification, which should not have been neglected; and discontinuing which, after it was partly built, was a crying instance of that costly parsimony so often detrimental to American administration. If the British had entered Lake Pontchartrain on the 15th of November instead of December, 1814, and taken New Orleans, as they might easily have then done, it would have cost more than the price of a fleet of ships of the line to recover it, if, indeed, it had not cost the union of these States.

As soon as Commodore Patterson was anonymously apprised of the probable approach of the enemy, he sent the five gun-boats, with a tender and despatch boat, under Lieutenant Thomas Ap Catesby Jones, to look out for them on Lake Borgne, with orders to return to the Rigolets, which were fortified at Petit Coquilles, where Lakes Borgne and Pontchartrain meet, there to resist, to the last, the attempt of the British, should it be made, to penetrate further towards New Orleans. On the 10th of December, the gun-boats reconnoitred the British fleet, between Cat and Ship Islands, entering Lake Borgne from the Gulf of Mexico. By the 12th, the fleet had increased so much that it was deemed imprudent for the gun-boats to remain near, and Lieutenant Jones put back for the Rigolets. On the 13th, a great number of large British barges and launches moved up Lake Borgne, to-

wards Lake Pontchartrain. The wind and tide were so unfavorable to the gun-boats, that they could not sail further than Malheureux Island, where they were forced to anchor fast in the mud, unable to manœuvre, and await the coming of the enemy. On the 14th of December, 1814, Captains Lochyer, Montessor, and Roberts, with forty-three barges and launches, almost as large as the gun-boats, mounting forty-three cannon, and three gigs, altogether manned by 1200 chosen seamen, and skilfully manœuvring with oars, attacked the five gun-boats at anchor, armed with twenty-three cannon, and manned by 182 men. As Jones's boat had drifted ahead of the line, it was attacked by fifteen of the British barges, several of which were beat off and sunk with great slaughter. Captain Lochyer's official report stated that the greater part of the officers and crew of his boat were either killed or wounded, himself, among the latter, severely; and that his boat did not succeed in overpowering Jones's gun-boat, by boarding, till seconded by the Seahorse's first barge, and aided by the boats of the admiral's ship, the Tonnant, with the loss of many of his brave companions. The admiral's official despatch also announced the loss as severe, particularly in officers. When the British got possession of Jones's gun-boat, who was disabled by a severe wound, they kept her flag flying, and fired her cannon at the other American gun-boats, still maintaining the unequal contest, which lasted, altogether, nearly two hours. Ten Americans were killed, and thirty-five wounded. According to the British official reports, three of their midshipmen, thirteen seamen, and one marine, were killed; one captain, four lieutenants, three master's mates, seven midshipmen, fifty seamen, and eleven marines, wounded. The belief of the Americans was, that several more of their enemies were lost by drowning than those reported killed, by resistance so obstinate and destructive, that, though we lost all our gun-boats, and thereby the lake avenue was laid open to New Orleans, yet the never-failing impression of American nautical courage and capacity made on the British, added one more ominous warning against their invasion of Louisiana.

As soon as the capture of the gun-boats was known at New

Orleans, Commodore Patterson despatched Purser Shields and Surgeon Morrell, of the navy, with a flag of truce, to the British fleet, to offer surgical aid, and any other comfort that might be desired, to the wounded, and to treat for an exchange of the prisoners, whom Admiral Cochrane detained till after the British defeat of the 8th of January, keeping and treating them as prisoners till the 12th of that month, when his insolent disregard of a flag of truce, and of the regulations of civilized warfare, was rebuked by the chastening sentiments of complete discomfiture. Till then those messengers of humanity were confined and treated with contempt of their flag of truce, as the admiral told them he had dealt with Mr. Key, when he went on board the British fleet on a similar errand, before the attack at Baltimore.

At New Orleans, alarm and admiration combined worked admirably. The British triumph certified which way their approach was to be expected, how soon, and that all the resources of the country must be instantly put in force to resist it; while the courage of the American crews inspired all the well-disposed with emulous and manly sentiments. As the American prisoners were taken back to the British shipping, the captors were cheered on their success. Jackson, receiving the tidings as he was returning from a tour to the river Chef Menteur and the Lakes, far from being disheartened, was only roused to redoubled vigilance, energy, and demonstration of confidence, by the misfortune: instantly despatched special messengers to Generals Coffee, Carroll, and Thomas, to hasten their march to New Orleans; to Winchester, to be more than ever careful to prevent surprise or reverse at Mobile; and, stationing additional forces at all assailable positions on Lake Pontchartrain, caused every stream, creek, and way, leading from the lake to the Mississippi, to be blocked up, obstructed, guarded, watched, and garrisoned; with orders to the commanding officers to defend their posts to the last. Nothing but the treason which, by martial law, he likewise mainly suppressed, together with mere accident, brought the enemy to the banks of the Mississippi, where Jackson's proclaimed determination, from the first, was to attack them as

soon as, and wherever, they landed, and in whatever force. The late naval defeat, after so brave a contest, with fearful odds, instead of discouraging, enabled him to rouse the torpid, animate the brave, disarm the disaffected, get rid of inefficient legislation, and erect the dictatorship in his own person, by which the city was snatched from destruction, the country and the Union saved, and the war closed by glorious feats of arms, just as peace was honorably made by judicious and fortunate treaty of Ghent.

Before Jackson reached New Orleans, an opinion prevailed among the best-informed persons, that the city and surrounding region ought to be put under martial law, as the best, if not the only means of saving them from subjugation. He was expected as their deliverer from the jeopardy which distracted the Legislature and benumbed a heterogeneous community with despondency. The hope and conviction prevailed, that General Jackson would restore order and revive confidence. To cut off all intercourse with the enemy, whose proclamations were scattered broadcast throughout the country, whose instruments of treason, the governor and other responsible persons assured the military chieftain, were all about, martial law was deemed indispensable. Jackson, always prudent and willing to take counsel, conferred with the most intelligent and respectable men; and, during his laborious circuits in every direction, to see for himself and give orders for military operations, still found time to ponder carefully the question of power as well as policy to stop due course of law and ordinary transactions of business, and by force of arms turn the whole country into a camp. Among the wise and patriotic counsellors summoned to his confidence, one, who served with him in all his battles as a volunteer aid-de-camp, and whose elegant style was employed to clothe the general's masterly despatches in the most attractive diction, Edward Livingston, a jurist of large celebrity, instinctively attached to the supremacy of the law, but without the bigotry of the bar, gave his written opinion that "martial law can only be justified by the necessity of the case. The general proclaims it at his risk and under his responsibility, not only to the go-

vernment, but to individuals, because it is a measure unknown to the Constitution and laws of the United States. The effect of its proclamation is to bring all persons within the district comprised by it within the purview of such law, so that all those in that district capable of defending the country are subject to such law by virtue of the proclamation, and may be tried by it during its continuance." Coinciding in that opinion, the constituted authorities both of the Union and the State, the governor, the judge of the United States District Court, judges of the State courts, both local and general, eminent lawyers, and nearly all good citizens, without dissenting voice, recommended the establishment of martial law. All the lake-defences of New Orleans were gone by the capture of our little flotilla, which exposed the key of the whole Southwest to immediate seizure. The Legislature were inactive, distracted, and said not to be without traitors among the members. They rejected the governor's call for militia and the general's appeals for legislative aid in his need. British emissaries were believed to abound in and about New Orleans. The commanding general had less than one thousand regular troops; the volunteers and militia from Kentucky, Tennessee, and Mississippi had not arrived, and it was uncertain when they would; there was great deficiency of arms; there were apprehensions of the revolt to which the British invited the slaves. The alternatives were temporary assumption of arbitrary power to save the State, or jeopardy of its destruction for want of such usurpation. For martial is not, as it often is, to be confounded with common military law. Military law has been at times nothing but the declaration of a prince's will, or a general to whom his authority is deputed, instead of commands of the legislature by special and positive enactments. But martial law is the mere temporary offspring of necessity, covered with the garb, taking the name and place of law. In reality it is subversion or occasional supercession of legislative enactments, justified, and only justifiable by perilous and critical conjuncture, when social order is vitally threatened with destruction; when violence is indispensable to resist violence; when the sense of danger is so imminent as to over-

come every other consideration. The end or existence of society is then sustained by natural and spontaneous resort to the means which brought and hold it together, and public safety is preserved at the expense of the public ordinances. To this explanation of the difference between military and martial law, for which I am indebted to Samuel's Treatise on the subject, may be added, from Blackstone's Commentaries, that overruling necessity is familiar as a principle of jurisprudence in respect to private wrongs. Attack may be lawfully repelled by force when indispensable to self-defence of either person or property. Future process of law is then an inadequate remedy; and it is permitted to repel immediately one violence by another. Martial law, as thus explained, is not a code of military regulations for permanent enforcement, but, like war, is declared and enforced in violation of all ordinary rules and laws, as the best, if not only method of safety, as war, by violating all common sanctions, is the last resort for peace. War and martial law are exceptions, not rules. Neither can be justly resorted to till all other means of security fail, and arbitrary force becomes indispensable. Society and good order require that martial law shall be mere usurped authority, unrecognized by regular government, which, as soon as the crisis ends for which martial law was declared, resumes all its rights and duties, to pardon, perhaps reward, or punish the author of transcendental suppression of ordinary and enforcement of overpowering rule, as circumstances warrant.

On these principles, with general, if not universal approbation, judges, lawyers, and considerate men applauding the step, the enemy at hand, his force unequal to cope with them, disloyalty and treachery counteracting his measures, Jackson, as soon as the gun-boats were lost, on the 15th of December, 1814, declared martial law, by a published invocation to the pride and patriotism of his countrymen of all nations and complexions about New Orleans. He eloquently appealed to that public spirit, without which, among free people, military force and science oft-times prove ineffectual, and to which the most enslaved and debased nations are never inaccessible. Religion, patriotism, liberty, civic and domestic attachments, and hatred

of a cruel enemy, were themes from which he wrought enthusiastic ardor.

It was not till the 13th of December, that the joint Committee of Defence at last reported, in both houses, and then to no great purpose. All they proposed was a small loan from the banks to complete certain defensive works contemplated by General Jackson, and authorizing the governor to invite the owners of slaves to place such numbers as they could spare at his disposal to do the work. After a day spent considering bills to remove the seat of government, to regulate the police of slaves, to incorporate the Mississippi and Ohio Steamboat Company, — measures extremely out of place at that juncture — both houses adjourned till next day, having in more than a month's session done almost nothing to avert the peril which burst upon them, in all its terror, when assembled again next morning. The house was then passing bills to regulate the price of baking a barrel of flour, apportioning a land-tax within the State, granting a divorce, the resolution appropriating borrowed money to erect works of defence, and a bill to prevent all persons from being sued in certain cases, — and the Senate was occupied with similar local and unimportant legislation — when the governor's confidential message was delivered, with closed doors and the galleries cleared, communicating Commodore Patterson's despatch of the 14th, and Lieutenant Jones's of the 11th of December, announcing the near approach of a large British fleet, in great force, with a species of vessels well adapted for their approach to the city; stating that he was greatly in need of seamen, who could only be obtained by coercive measures; wherefore he suggested to the governor to recommend to the Legislature to suspend the writ of habeas corpus during the period of danger from the enemy; which the governor accordingly recommended to the Legislature, and, moreover, their enabling the commander of the troops to apprehend and secure disaffected persons. A joint committee of both houses, appointed to consider the governor's message, reported against both of his recommendations; instead of which the two houses, at a session that night, passed an act, proposed by the joint committee, laying an embargo for fifteen days,

and authorizing \$24 bounty for every able-bodied seaman. While in night session on such inadequate measures, the governor communicated General Jackson's requisition of that day for the militia of the State, to be held in complete readiness to take the field in mass. At the next day's session, on the 15th of December, when the Senate rejected a proclamation, passed by the House, calling upon the people of the State to fly to arms, flock immediately to the standard of General Jackson, and invest him with all their confidence, the governor's message was received, announcing the capture of the gunboats. Jackson thereupon declared martial law. The general government had not done and could not do much to protect that remote and ill-supplied region. The state government did less. The population was extremely questionable — the governor considered them unsafe. The commanding general's only alternatives were defeat or the strongest measure of war.

A general, well-nigh universal impression prevails that Jackson urged a suspension of the habeas corpus act by the Legislature. But that impression is a mistake. It was Commodore Patterson who suggested it to the governor, and by the governor it was recommended to the Legislature, in order to enable the naval commander to impress seamen. On the 14th of December, 1814, the commodore's letter to the governor was communicated to the Legislature, recommending that measure. A joint committee of both houses was thereupon raised, to take it into consideration, who unanimously reported against it, and that an embargo, together with \$24 a month for seamen, would do better; for which purpose immediate enactments followed. What Jackson did, was, as soon as the gunboats were captured, to call out, on the 14th of December, the whole militia of the State in mass, and next day to issue his memorable order establishing martial law: — "Major-General Andrew Jackson, commanding the seventh military district, declares the city of New Orleans and its environs under strict martial law, and orders that the following rules be rigidly enforced," &c. On the 15th of December, the governor's special message called on the Legislature "to increase and enlarge the measures of defence. To this end the

gallant and experienced chief to whom the command of the district has been confided is exerting all his means, and I shall support him with all the powers with which the Constitution and laws invest me." Martial law was then in force, by the general's sole order and on his individual responsibility: Next day the governor, by another special message to the Legislature, "as the moment is certainly inauspicious for that cool and mature deliberation which is essential to the formation of laws, and every hand must be raised to repel the enemy," therefore suggested the expediency of adjourning the two houses for fifteen or twenty days. But the committee at once reported unanimously against such adjournment, alleging, among other objections, that their journeys to and from home *would cost* more than their stay. The House also passed a resolution for a highly exciting appeal, in the form of a legislative proclamation to the people, to fly to arms, which the Senate rejected when they adopted the embargo act and the act for inducing seamen by better pay to enlist.

It has ever since been much disputed whether the Legislature of Louisiana, in that crisis, were true to their country. Be that as it may, as far as loyalty is in question, it is clear that their rescue from impending peril was due, not to their measures, but to the energy, activity, patriotism, and resource of the man whom they refused to thank for snatching them from capture; withholding thanks from whom for that service was, like the question of acknowledging the French Republic at the treaty of Campo Formio, when Bonaparte declared it as unnecessary as to own that the sun shines. To his order for martial law Jackson added the following proclamation:—

Citizens of New Orleans:

The major-general commanding has, with astonishment and regret, learned that great consternation and alarm pervade your city. It is true, the enemy is on our coast, and threatens an invasion of our territory. But it is equally true, with union, energy, and the approbation of heaven, we will beat him at every point his temerity may induce him to set foot upon our soil. The general, with still greater astonishment, has heard that British emissaries have been permitted to propagate seditious reports among you, that the threatened invasion is with a view of restoring the country to Spain, from a supposition that some of you would be willing to return to

your ancient government. Believe not such incredible tales. Your government is at peace with Spain. It is the vital enemy of your country, the common enemy of mankind, the highway robber of the world, that threatens you, and has sent his hirelings among you with this false report, to put you off your guard, that you may fall an easy prey to him. Then look to your liberties, your property, the chastity of your wives and daughters. Take a retrospect of the conduct of the British army at Hampton and other places where it has entered our country, and every bosom which glows with patriotism and virtue will be inspired with indignation, and pant for the arrival of the hour when we shall meet and revenge those outrages against the laws of civilization and humanity.

The general calls upon the inhabitants of the city to trace this unfounded report to its source, and bring the propagator to condign punishment. The rules and articles of war annex the punishment of death to any person holding secret correspondence with the enemy, creating false alarm, or supplying him with provisions; and the general announces his unalterable determination rigidly to execute the martial law in all cases which may come within his province.

The safety of the district entrusted to the protection of the general must and will be maintained with the best blood of the country; and he is confident that all good citizens will be found at their posts, with their arms in their hands, determined to dispute every inch of ground with the enemy; that unanimity will pervade the country generally. But should the general be disappointed in this expectation, he will separate our enemies from our friends. Those who are not for us are against us, and will be dealt with accordingly.

(By command.)

THOMAS L. BUTLER, *Aid-de-camp*.

The privateersmen of Barataria, together with all other persons under arrest or accusation for breach of the revenue-laws, through Lafitte, tendered their services to General Jackson to fight against the enemy. On the 17th of December, 1814, the Senate by resolution, in which the other house forthwith concurred, requested him to use his endeavors with the President to procure an amnesty for, and the governor and attorney-general of the State were also desired to enter nolle prosequis in favor of those useful auxiliaries, of whom some served guns in Jackson's lines and others in other places, as stationed.

On Sunday, the 18th of December, 1814, Jackson reviewed a battalion of city troops, commanded by Major Plauché, who volunteered the day before and were mustered into the service of the United States; reviewed together with part of the battalion of men of color and the city militia. To all of them

Mr. Livingston, as the general's aid, read an eloquent appeal to their feelings: for the imagination of all men Jackson deemed an important instrument, to which he always appealed in military operations. Not then, I believe, the devout Presbyterian he some years afterwards became and lived and died, yet always pious and patriotic, piety and patriotism were chords of fervent influence which, with striking power, he touched in all his belligerent invocations and transactions. Detestation and denunciation of the cruel foe they had to encounter was likewise another note he sounded effectually. Base and perfidious Britons, the common enemy of mankind, the highway robbers of the world, avowing a war of vengeance and desolation, carried on and marked by cruelty, lust, and horrors unknown to civilized nations, were among the invectives fired from Jackson's magazine for Southern hearts, as Washington, seventy years before, by similar epithets of abhorrence, awoke and roused Northern excitement from colonial idolatry.

On the same Sunday when Jackson reviewed the city troops, the Legislature, by that time controlled by the martial law proclaimed two days before, and alarmed by the capture of the gunboats, passed through the forms of legislation, what circumstances and necessity provided without such enactment, a law adapting, as the preamble recited, measures to circumstances of the crisis, annulling all protests of bills, notes, and obligations for the payment of money; all sales of property by judicial execution; all suits and actions, including those begun, and all sales of land or slaves, till the ensuing first day of May. In March, 1815, when a controversy was raging between the District Judge of the United States and General Jackson, concerning his enforcement of martial law, the constitutionality of the act of the 18th of December, 1814, was affirmed by the Judges of the Supreme Court of the State. "The enemy was approaching and within five days made his appearance within five miles of New Orleans. The whole militia of the State was called, en masse, into service. The object was to prevent ill administration of justice by keeping courts open while the presence of the enemy disallowed any other attempts but to expel him, and to facilitate to every

member and officer of the court and every individual of the community the means of rendering himself as useful as he could in repelling him. Suspension of civil proceedings under some authority or other, for a short time, was a measure imperiously called for. The Legislature seeing the very existence of the Republic at stake, the enemy at our doors, and the whole population under arms, thought it necessary to suspend, during a reasonable time, the ordinary course of justice; which was no more than would have resulted from the state of things. Without an act of the Legislature suspension of judicial proceedings would have taken place." The District Judge of the United States Court not only adjourned and closed it, but discharged, without bail, men in prison, committed for capital offences. When martial law was declared, further delay in the adoption of that or any other measure necessary to save the city, however painful, severe, and arbitrary, would have been criminal neglect of duty. Martial law was expected whenever Jackson came. A meeting of the most respectable citizens, civil and military, at his quarters, Hall the District Judge of the United States, together with other judges and eminent lawyers among them, unanimously recommended it, and declared, as soon as it went into effect, that it would save the State. Its operation was instantly excellent. All the brave and patriotic thronged to Jackson's banner. The whole of Louisiana became at once one vast camp, animated by one superior spirit, controlled by his iron will. The genius and firmness of one man constrained the prejudices and concentrated the energies of the entire chaotic community. From heterogeneous, inert, discordant, and even traitorous materials, a mass of invincible force was combined, which crushed a formidable invasion.

The forts and bayous on Lake Pontchartrain were reinforced. By an order of the day of the 19th of December, the commander-in-chief directed persons confined in the different military prisons, for various offences, to be set at liberty, whenever they were within two months of completing the term of their imprisonment. With martial law every thing worked well, without inconvenience or complaint. Every person was

stationed at his proper post. The veterans and firemen took guard of the city. The privateersmen of Barataria and others accused of offences against the revenue-laws tendered their services to Jackson. The younger Lafitte waited on him for that purpose : whereupon the general got from Judge Hall and the United States marshal a safe-conduct for those offenders, formed them into corps under experienced officers, and found them among his most skilful artillerists. All classes and both sexes were filled with enthusiasm. Martial music, American and French national airs, corps of militia and volunteers constantly drilling from morning till night, prayers in the churches, whatever could prepare and encourage for action, were the occupations of all. After nine o'clock at night, none could be abroad without special permission ; nor at any time, without it, leave the city. The rigor of such martial government was felt to be just, and complained of by no one as long as danger was imminent. On the contrary, the activity, vigilance, inflexibility, and assurance of the commander-in-chief were shared by the whole population, wrought to the highest pitch of detestation of their enemy and defiance of his arms. The barbarities of Hampton, the plunder of Alexandria, the conflagration of Washington, were on every tongue, with pledges to resist to the uttermost such ruthless invaders. Nothing was removed from town, put away, or concealed. The shops and churches were open as usual. Business was not interrupted, except by military exercises. Though the winter was uncommonly harsh and wet, neither the old nor young shrunk from any exposure, labor, or sacrifice. Not a thousand regular soldiers, nor five thousand militia, constituted the whole force. But white and black, native and naturalized, Jackson had imparted to all his confidence that, with good order and due preparation, they could beat the detestable barbarians, whom as such he stigmatized, about to assail them.

On the 19th of November, 1814, the British squadron from the Chesapeake, with the land-troops aboard that had been commanded by General Ross, to whom Colonel Brooke succeeded, joined, in Negril bay on the extreme west coast of the island of Jamaica, the fleet arrived there from England, under

Admirals Cochrane and Malcolm, with General Keane's detachment of troops. They were the 93d regiment, a fine corps of Highlanders, 900 strong, six companies of the 95th rifle corps, two West India regiments of 800 men each, two squadrons of the 14th light dragoons dismounted, detachments of artillery, rockets, sappers, and engineers, together with recruits for the several corps in the United States. The 4th, 44th, and 85th regiments, which had been at Washington and Baltimore, and the 21st, which joined them at Bermuda, reduced by casualties and the absence of the marines who served with them there, numbered 2500 men, under Colonel Brooke. The whole combined force amounted to 6000 combatants, largely provided with staff-officers and every thing necessary, commanded by Major-General Keane, a distinguished young officer, General Ross's junior, under whom he left England to serve in America; but at Madeira, during the voyage, informed of Ross's death and that he was to take that commander's place. It had been intimated by the English press, and was currently reported at Kingston, Jamaica, that New Orleans was the object of the expedition; and that Ross's movements about the Chesapeake were but preliminary, if not blinds to the main design. It has been said, too, that Jackson was apprised, by direct intelligence from Kingston to Mobile, of the intention to invade Florida and Louisiana. A large British fleet, many ships of the line and other war-vessels, together with numerous transports, conveying an army from Jamaica, magnificently sailed by St. Domingo and Cuba, carrying aloft the proud banner of Great Britain, and filled with confidence of success. The Russian army, before the battle of Austerlitz, were not more gayly eager for anticipated triumph, nor the Prussians before Jena, than the brave Britons steering for the capture of New Orleans.

The naval conductors of the enterprise seem to have had no hesitation in selecting Lakes Borgne and Pontchartrain as the avenue of their onset, instead of the river Mississippi. Deep and navigable for large vessels as that river is, when once fairly entered, yet the water is so shallow at the mouths, the course of the stream is so crooked, snags and floating timber

were so much dreaded, and the fortifications at English Turn, a few miles below the city, where the river almost doubles, were deemed so redoubtable, that the lakes were chosen as much better for approach. After undergoing severe change of weather, from the tropical heat of Jamaica to the chilly wind and rough sea of the Mexican Gulf, and encountering a storm of sleet and frost as their first visitation on the coast, the fleet anchored off the barren and inhospitable shores of Chandeleur island, at the entrance of Lake Borgne from the gulf. From the 10th to the 13th of December, 1814, little progress was made on that lagoon, which the larger vessels could not navigate. It was necessary to tranship the troops into the smaller vessels. The five American gunboats were soon perceived watching the fleet, and their capture was indispensable. After it was effected, there was no longer any obstacle — the fleet weighed anchor and stood up the lake. But ship after ship grounded, until at last the lightest stuck in the mud. The boats of all the fleet were then filled with soldiers, and for ten tedious hours rowed thirty miles, in a pelting rain, which fell in torrents, to a miserable, barren spot of ground, called Peas island, where it was determined to collect the whole army previous to its crossing over to the main. One of the British officers of the expedition thus describes impressions of their first landing in Louisiana: —

“Than this spot it is scarcely possible to imagine any place more completely wretched. It was a swamp, containing a small space of firm ground at one end, and almost wholly unadorned with trees of any description. There were indeed a few stunted firs, upon the very edge of the water; but these were so diminutive in size as hardly to deserve a higher classification than among the meanest shrubs. The interior was the resort of wild ducks and other water-fowl; and the pools and creeks with which it was intersected abounded in dormant alligators.

“Upon this miserable desert the army was assembled, without tents or huts, or any covering to shelter them from the inclemency of the weather: and, in truth, we may fairly affirm that our hardships had here their commencement. After having been exposed all day to a cold and pelting rain, we landed upon a barren island, incapable of furnishing even fuel enough to supply our fires. To add to our miseries, as night closed, the rain generally ceased and severe frosts set in; which, congealing our wet clothes upon our bodies, left little animal warmth to keep the limbs in a state of

activity; and the consequence was, that many of the wretched negroes, to whom frost and cold were altogether new, fell fast asleep, and perished before morning.

"For provisions again we were entirely dependent upon the fleet. There were here no living creatures which would suffer themselves to be caught; even the water-fowls being so timorous that it was impossible to approach them within musket-shot. Salt meat and ship-biscuit were therefore our daily food, moistened by a small allowance of rum, a fare which, no doubt very wholesome, was not such as to reconcile us to the cold and wet under which we suffered.

"On the part of the navy, again, all these hardships were experienced in a fourfold degree. Night and day were boats pulling from the fleet to the island and from the island to the fleet; for it was the 21st before all the troops were got on shore; and as there was little time to inquire into men's turns of labor, many seamen were four or five days continually at the oar. Thus they had not only to bear up against variety of temperature, but against hunger, fatigue, and want of sleep in addition, — three as fearful burdens as can be laid upon the human frame. Yet, in spite of all this, not a murmur nor a whisper of complaint could be heard throughout the whole expedition. No man appeared to regard the present, while every one looked forward to the future. From the general down to the youngest drum-boy, a confident anticipation of success seemed to pervade all ranks; and in the hope of an ample reward in store for them, the toils and grievances of the moment were forgotten. Nor was this anticipation the mere offspring of an overweening confidence in themselves. Several Americans had already deserted, who entertained us with accounts of the alarm experienced at New Orleans. They assured us that there were not at present 5000 soldiers in the State; that the principal inhabitants had long ago left the place; that such as remained were ready to join us as soon as we should appear among them; and that therefore we might lay our account with a speedy and bloodless conquest. The same persons likewise dilated upon the wealth and importance of the town, upon the large quantities of government stores there collected, and the rich booty which would reward its capture; subjects well calculated to tickle the fancy of invaders and to make them unmindful of immediate afflictions, in the expectation of so great a recompense."

The miscreants welcomed as deserters were not Americans, as the English supposed: some of whom took Spanish fishermen for officers from Jackson's army: not only so, but American deserters, disgusted with their own government, Jackson's severity, and anxious to embrace British allegiance. There were no such Americans. A few Spaniards of the lowest degree of mankind, fishermen, who lived in isolated huts and desolate swamps, hardly mixing with fellow-citizens, were the

mercenaries of whom the deluded British purchased conductors from Lake Pontchartrain to the banks of the Mississippi. Those semi-savages, together with a few Choctaws, disposed of themselves more profitably than they could of fish to the inhabitants of New Orleans, and misled their seducers by stories of the certainty of their success. As is often the case, the educated, wise, and refined were befooled by the low cunning of the ignorant, stupid, and despicable. Rejected by the pirates of Baratania, wise and mighty Britons thought themselves more fortunate with some Spanish fishermen and Florida Indians.

It required several days, from the 16th to the 21st of December, to land all the forces on Peas island, to refresh and brigade them, to arm and prepare a hundred boats for their conveyance across Lake Borgne to the neighborhood of New Orleans, and thus enter upon the proposed assault of that city. A van or advance was organized, under command of Colonel Thornton, always one of the most enterprising and successful officers of the British army, who had been wounded and captured at Washington — the only one who had any success at New Orleans.

With the audacious simplicity by which intelligent and respectable Englishmen expose to the world their profligate subornation of savage alliance, one of their best printed narratives of that invasion states that, while sojourning at Peas island, "an embassy was despatched to the Choctaws, a tribe of Indians with whom our government chanced to be in alliance. With these men Colonel Nicholls, of the marines, who conducted the embassy, was well acquainted, having been previously appointed generalissimo of all their forces, and they therefore extended to us the right hand of friendship." The English narrator adds that he was "compelled, almost in spite of himself, to regard those half-naked wretches with veneration." A diplomatic feast entertained the British embassy, minutely described: "Raw flesh, to which," the Englishman says, "he could not overcome his loathing. When the remnant of the food was removed, an abundant supply of rum, which these people had received from our fleet, was produced. Of this they swallowed large potations." A

drunken orgy is then particularized: "After which," says the donor of such gifts, "we returned for the night to a hut assigned for our accommodation, leaving our wild hosts to continue the revel as long as a single drop of spirits remained. On the following morning, having presented the warriors with muskets and ammunition, we departed, taking with us two chiefs, at their own request. For this journey they had equipped themselves in a most extraordinary manner: making their appearance in scarlet jackets, which they had obtained from Colonel Nicholls, old-fashioned steel-bound cocked hats, and shoes. Trousers they would not wear, but permitted their lower parts to remain with no other covering than a girdle tied round their loins; and sticking scalping-knives in their belts, and holding tomahawks in their hands, they accompanied us to the fleet, and took up their residence with the admiral."

By such beastly propitiation of brutish creatures, as gross and barbarous as worship of idols or cannibal appetites, did British nobles, gentlemen, and devout men seduce a remnant of savages to their standard, displayed, with all its attractions, for pirates, revolted slaves, and inebriate Indians, to be combined against American kindred.

The bayou Bienvenu or river St. Francis is a considerable stream, which, by many branches and other creeks, winds through the cypress swamps, prairies, and reed-brakes that lie between New Orleans and the lakes. Not far from where the Bienvenu joins Lake Borgne, on a tongue of land, was a village of twelve large cabins, built of stakes, thatched and enclosed with palmetto-leaves, inhabited by Spanish fishermen, who caught fish on the lake and sold them at New Orleans. Not one of these people was either American or French, but all Spanish. There was nothing strange or reprehensible in the British buying their services as lake-pilots, nor very unusual in such men selling their local knowledge as land-guides even to enemies. Such treachery is common everywhere. The Spanish fishermen were easily bought — their whole settlement. And they served not only as pilots but spies too: going daily to New Orleans to sell fish, they picked up there whatever

information they could, and took it to the British at Peas island. There were also three natives of Louisiana, Spanish officers of the garrison at Pensacola, named Guillemard, Regio, and St. Pré, accompanying the British army, to render all the aid and give all the information they could. On the 20th of December, 1814, Captain Peddie, of that army, was conducted, disguised, by three of the principal fishermen, named Marin-guier, Luis, and Francisco, all the way to the river Mississippi. The best course to take by the lakes and by land, in order to get the army to the river, was perfectly well known to the admiral and general, who were attended the whole distance by guides familiar with the way and prodigal of assurances of success whenever the British reached the city.

Indian allies and Spanish guides being provided, all of whom represented the conquest of Louisiana as perfectly easy, no obstacles to be apprehended but in the natural obstructions of bogs and trembling prairies to be overcome, the troops in high spirits, notwithstanding their privations and tempestuous annoyances on the barren waste where they suffered several days, were reviewed by General Keane, on the 21st of December, 1814, and by their ardor for movement and exploit gave every promise of glorious achievement. They were distributed into three parts. The light brigade, or advance, was composed of the 4th, the 85th, and 95th regiments, Captain Lane's rocket-men, and two light three-pounder cannon, commanded by Colonel Thornton. Of the two remaining brigades, the first, comprising the 21st, the 44th, and one black regiment, was assigned to Colonel Brooke; and the second, containing the 93d regiment, with the rest of the black troops, to Colonel Hamilton, of the 7th West India regiment; with portions of artillery and rockets allotted to each brigade; and the 14th dismounted dragoons constituted the general's body-guard: altogether about two thousand fighting men.

The distance to go in boats was computed eighty miles. From eighty to one hundred boats, the barges of all the ships, the captured gun-boats, some craft brought from the Chesapeake, the gigs of the captains, and a schooner for the admiral and general, were got ready on the beach; and, in the

morning of the 22d of December, 1814, as many soldiers as could be crowded into them were put on board. Salt beef, hard bread, and bad rum, without tents, barracks, huts, or dry clothing, had been their fare since they went ashore. But, though victims going to greater hardships, they rejoiced in any change, especially one so promising of amelioration as conquest, booty, plenty, and repose. Not more than 2000 soldiers could be wedged into all the boats; from 70 to 80, sailors included, being in a single barge, so that, once seated, there was no room for any change of position. Nevertheless, they embarked in high spirits, and though cheering was forbid, as silence and secrecy were commanded, yet the soldiery evinced delight by all means not interdicted, and bore every hardship without a murmur. Soon after their departure from the island, the rain fell in such floods as Britons had never undergone. When drenched thoroughly, the storm of rain was followed by a snap of cold weather, with keen, cutting, north wind, sleet, and ice, freezing their wet clothes, and petrifying their limbs. Still, there were no complaints, but martial pity, ironically bestowed by veterans on each other's powerless bodies. Pans of coal, ignited in the sterns of the boats, were allowed, for a while, to them, to dry their saturated and frozen clothing. But as soon as night came on, all fires were ordered to be extinguished, lest the lights should betray the expedition. All night long, the troops, benumbed and silent, were tugged over the water in darkness, by seamen at the oars. The Spanish fishermen served as pilots. The Spanish officers and Indian chiefs were the admiral's select companions.

On the 21st of December, when Jackson's orders were to obstruct and watch, as much as possible, the numberless creeks that led out of the cypress swamps and prairies north of New Orleans from the lakes to the city, Major Villeré, son of the general of militia, who commanded between the lakes and the Mississippi, by whose canal the enemy effected his unperceived arrival at that gentleman's plantation, nine miles below the city, sent eleven men, with a sergeant, in a boat, to the Spanish fishermen's village, to ascertain and keep watch there. If the bayou had been obstructed, as General Jackson directed, it

might have prevented the enemy's irruption that way. But, though somewhat guarded, it was not obstructed; and the consequence was hostile entrance by that channel. Major Villeré's piquet found the village deserted. Only one sick fisherman and the dogs remained; the dogs shut up by the sick man to prevent their giving alarm by barking at the British as they came, and the other inhabitants, said, by the sick man, to have all gone fishing, but, no doubt, to pilot the British. Soon after midnight, of the 22d of December, 1814, when the moon went down, and Major Villeré's party were guarded, as they supposed, by a sentinel, five barges, under Captain Spencer, sent ahead, while the rest of the fleet stopped awhile, to surprise any force, if any, at the fisherman's village, rowed upon the cabins so suddenly, that the Americans, with hardly time to spring into their boat and attempt to escape from numbers they could not resist, were all captured except one, Mr. Rey, who contrived to hide among the cane-brakes; and, after much fatigue and hardship, through bogs, lagoons, and trembling prairies, to get off, though not towards New Orleans; so that he could not give notice of the enemy's approach. Mr. Ducros, one of those captured, was taken by Captain Spencer to the general and admiral, and interrogated by them as to Jackson's force, the state of the country, and other such inquiries; and assured that the invasion was not aimed at the people, who would not be molested, but at their bad government, which would be overthrown; that the inhabitants would be protected in their property and slaves; and the war carried up the Mississippi against the Kentuckians and other promoters of it, while Louisiana was to be restored to its lawful owners. Similar language was held by the British commanders to other prisoners besides Mr. Ducros.

By capturing Major Villeré's advance, stationed at the fishermen's village, the invaders deprived Jackson of his first protection ashore, as, by the capture of the gun-boats, he lost the only one on the lakes; and there was no hindrance to the British penetration of the country unperceived. The fleet of barges therefore hastened forward to the bayou Mahant, a fork of the Bienvenu, to where the former joins Villeré's

canal, where, at four o'clock in the morning of the 23d of December, 1814, they effected their landing. The boats, on the lake, were several abreast. In the creek, they had to change that order till only one could move, using the oars to scull, instead of rowing, through the narrow stream. Sailors, sent ashore to ascertain whether the army might land without being swallowed up in the vast wilderness of reeds surrounding them in every direction, reported that the banks of the stream were firm enough to bear men, provided that they did not diverge from the banks. The troops were thereupon landed; and, for the first time after a day and night of unusual exposure to excessive moisture, sharp frost, hunger, thirst, and irksome confinement, were allowed to walk, though not much, and neither to make any noise, or any fire, but merely to stretch their weary limbs, in wonder at the enormous bog their march began with.

In that wild covert, it was proposed to await the arrival of the two other brigades, before proceeding further. But that prudent pause, the Spanish counsellors overruled. They insisted that there was no danger. There were not 5000 men in arms in all Louisiana, they said, scarce 1000 regular troops. Such as there might be were scattered about at distant stations, without the least apprehension of an attack in the way the army was going. Yielding to these not altogether misrepresentations, General Keane, with his fiery second, Colonel Thornton, argued that, on the marsh where they stood, choked and blinded by reeds, it was impossible to form or manœuvre, and enemies, familiar with those impediments, would have great advantages in surprising and worsting the British. They marched forward, therefore, the boats returning to Peas Island for the other brigades. Before going many miles, the reeds disappeared, a few cypress trees were seen, presently forests, and then among sugar-canes, stubble, and orange-groves, habitations and culture. At length the neck of land was discovered on which New Orleans stood, and a road to it; an isthmus, about three-quarters of a mile wide from the Mississippi to the marsh, and General Villeré's mansion, with the negro-huts about it. The alluvial region they traversed, with

its amphibious inhabitants, was altogether strange to European observation. Some of the officers, and perhaps old soldiers of the British advance, had probably served with Wellington in Asia, with Abercrombie in Africa, and lately with Keane in different parts of Europe. But in neither of those three continents had they seen such marvels of earth and water as the swamp-lands of Louisiana. Most of that region, if not once part of the ocean, is, at all events, the creation of the prodigious floods, which, from the Rocky Mountains of Oregon, wash the immense and shifting land-marks of the Mississippi valley, and occasionally dilate that father of rivers from one mile wide to fifty. Its overflows, with those of all its great affluents, periodically deposite slime on the banks of the streams in which they vent themselves, continually raising the banks several feet above the soil, between the streams. Annual deluges soak the earth, covered with interminable and impervious tall reeds. When the rain and floods find no issue by the streams, whose banks are higher than the intervals of ground between them, the soil becomes meadow, sometimes so wet and loose that what are known as trembling prairies float about, on which neither man nor beast can venture, except in very dry seasons. The British, to their amazement, found the margins of the creeks not only firm and practicable, but high ground. But if they ventured to leave the edge of a ditch for what, in other countries, is mostly higher ground, it was not only several feet below the banks of streams, but nearly all mere quagmire. Forests of reeds as high as their heads covered the whole waste of barren and treacherous mud, upon which there was no foot-hold. Not a habitation, not a human being, not an animal, scarcely a tree was to be seen. All was wilderness, and nearly all impassable morass. The strip of ground they stood on seemed firm; but to step beside it from the ditch was fatal. Concealed by the reeds, not allowed to make any observation, they groped their way, some miles, to Villeré's canal, which they reached about nine o'clock in the morning of the 23d, still unperceived. So far their progress, though comfortless and strange, was fortunate and encouraging. Before eleven o'clock, at Villeré's house, they surprised

and took a company of the third regiment of Louisiana militia stationed there, whence, with much difficulty, his son, Major Villeré, escaped from a window; running the gauntlet of a volley of pistol-shots, and hastened to New Orleans, to announce the enemy's arrival.

Further concealment was then not only unnecessary, but impolitic: the strategy being to make their forces seem as formidable as possible, and for that purpose look larger than they actually were. Their arrival would soon be known at New Orleans. But they had no fears. Their Spanish conductors had raised British assurance to the highest pitch. Jackson, a mere militiaman, had by his severity rendered himself extremely odious. The whole population were ready to embrace their deliverers from his arbitrary rule and all American government. Bloodless conquest awaited the British founders of Spanish restoration. Piles of cotton, stores of sugar, immense supplies of public property, almost in sight, held forth their tempting allurements. Colonel Thornton reminded General Keane of Washington, and Vice-Admiral Cochrane of Rear-Admiral Cockburn there: urging immediate march to New Orleans, to follow fast the bearers of news of the British coming, and with their own muskets proclaim their advent. But the common difference between physical and moral resolution deterred the young general from assuming a responsibility more fearful than death, and of which Thornton would have no share. His supplies were eighty miles off; so was his main body; Jackson's reputed intrepidity was not, perhaps, without some influence. If Jackson had been surprised that afternoon, what would have resulted? At all events, Keane peremptorily refused to hazard it. Within pistol-shot of the river, without covering and without alarm, their arms piled up, men and officers lying about, just as Jackson desired, Keane pitched them. Concealment no longer prudent, but demonstration exaggerated become stragetive, the soldiers and officers cooking, eating, bathing (for it was a fine mild day that saluted them), smoking, drinking, carousing, rambling about the banks of the magnificent Mississippi, a mile wide and a hundred fathoms deep, were entertained with martial music and patriotic anthems — God

save the King, Rule Britannia, and the roast-beef of old England; amusing themselves in boastful security and flattering anticipations. The British flag was hoisted, in proud salutation to the city and vicinage. The general established his head-quarters, with Colonel Thornton, in Mr. Villeré's mansion, and feasted on its plentiful fare. Two of the British officers shall tell how those gentlemen enjoyed themselves; two gentlemen not satisfied with mere military renown, but ambitious moreover of literary celebrity, who published their feats in books. "Bare rations," says one of them, "did not content them. Spreading themselves over the country, as far as regard to safety would permit, they entered every house, and brought away quantities of hams, fowls, and wines of various descriptions, which being divided among them, all fared well, and none received too large a quantity. In this division of good things they were not unmindful of their officers;" and so this king's evidence proceeds to tell that the officers were grateful receivers of their share of what the men stole. That disgraceful boast is part of the journal of an officer who served in the expedition, and revised its contents for publication at London, in 1821. The other informer, whose title-page styles him "A Subaltern in America: comprising his Narrative of the Campaigns of the British Army," confirms, in other words, the same account of the larceny, which distinguished the universal British pillage and uniform barbarities in America. "As the weather chanced to be remarkably favorable, and as no traces of an enemy could be perceived, we very naturally looked forward to a peaceable and pleasant tour of duty; and we made no scruple, as well officers as men, to wander so far from the head-quarters of our post as the prospect of a few luxuries in the way of eating and drinking invited. With a few followers, the narrator's friend hurried off to the chateau, for the purpose of ascertaining the state of its cellar and larder. An ample supply of wine, with a cheese, a piece of bacon, and a turkey, fell to our share:" with which petty thefts delighted, the thieves, not content with that meanness, enjoy the vanity of transmitting its boast to historical narration.

The advance of the British army thus luxuriated, for a few

hours that afternoon, in their only quiet, or comfort, or even freedom from distress and disgrace, in Louisiana. That night-fall their defeats, destruction, and consternation began, never ceasing, night or day, during the three disastrous weeks they lingered on the Mississippi, struggling with incessant discomfitures, till at midnight, the 18th of January, 1815, skulking through the bogs and reeds, they escaped to their shipping, utterly demolished. Their operations were conducted with bravery, skill, and fortitude; certainly, too, the weather and the region were unpropitious. Still, not merely all Americans, but all civilized mankind, should rejoice in the bloody retribution visited, through them, on the detestable letter by which the British Admiral Cochrane, commander-in-chief, gave official notice of barbarian hostilities to be perpetrated. And Jackson's rescue of New Orleans was a master-piece of military resistance to invasion, a model of defensive warfare, which ought to be celebrated, as a memorable lesson that regular may be vanquished by irregular troops well commanded; that aggression is the best method of defence; and attesting for free institutions, how militia overcome veteran soldiers. If Napoleon had encouraged the suburban workmen of imperial Paris, calling for arms to save it, his dynasty, and faithless nobility, new and old, as Jackson armed and roused the motley, listless, and dispirited inhabitants of a remote provincial town, would the French metropolis have fallen as it did? But Jackson, whose weapons were as much sentimental as material, put liberty and religion, with country, on his banners, while the Emperor of the French, dreading popular prepotency, reluctantly conceded partial freedom, and substituted his own, with a few more favored families, for country. The vast operations of Waterloo and Paris eclipse in extrinsic magnitude the comparatively insignificant military transactions at New Orleans. Yet the results of Napoleon's enormous overthrow may not be more momentous than those of Jackson's success. Waterloo reorganized royal Europe, just when New Orleans had vouchsafed a republican empire, endangered by intestine and foreign enmity. Popular sovereignty was secured in America simultaneously with counteracted resto-

ration of dynastic sovereignty in Europe. And, which will last longest, representative or individual government? Is not the American sentiment stronger than European polity? Will not the self-government of all well-nigh extinguished individuality overcome the self-government of one and his chosen few subjugating that of nearly all? Waiving the question which is best, which is inevitable? Since Waterloo and New Orleans, nearly all Europe and all America, including the Empire of Brazil, have been governed by representatives chosen by populations, with public assemblies in which to speak, and public presses to print what is spoken.

Colonel De la Ronde, whose plantation, below New Orleans, joined that of General Villeré, and who commanded the third regiment of Louisiana militia, of which one company was surprised and taken in Villeré's house, escaped from them, as well as young Villeré — both crossing the river in boats, and hastening to the city to announce the enemy's arrival. The evening before, Colonel De la Ronde sent to inform General Jackson that several sail of vessels had been seen off the point of the three bayous, behind Terre aux Beufs. On the morning of the 23d, therefore, the general despatched two engineer-officers, Majors Latour and Tatum, to ascertain whether that report was true. Meeting several fugitives, bearers of the tidings, Major Tatum returned, and, before two o'clock in the afternoon, Jackson was made acquainted with the fact. His determination to attack the enemy in whatever might be his first position and whatever force, had not only been formed before, but made known to his officers. The British, long cooped up in shipping, he deemed unused to action. The American troops were inured to active movements and mostly irregulars, impatient of sedentary service. To his calculation may be added that Jackson himself, however prudent, was eager for conflict and had no misgivings. The alarm-gun was fired forthwith. The city uniformed troops, under Major Plauché, sent for from Bayou St. John, ran part of the distance to New Orleans. General Coffee, with the Tennessee mounted riflemen, four miles above the city, arrived in an hour after he received orders. The 7th United States regiment, under

Major Peire, the 44th under Captain Baker, a few marines, under Lieutenant Bellevue, some artillerists, with two field-pieces, conducted by Lieutenant Spotts and Colonel M'Rae, a battalion of men of color, commanded by Major Daquin, Major Hind's volunteer-dragoons of Mississippi, the Orleans rifle-company, gentlemen of the city, Captain Beale, with whom Colonel De la Ronde served as a volunteer — altogether 2131 fighting men, were hastily marshalled. Of these the cavalry, 107, were never engaged, and two companies of the Tennessee mounted riflemen remained to take care of the horses when the rest of that brigade dismounted for action; so that the combatants were about eighteen hundred. Commodore Patterson, at Bayou St. John, superintending the erection of batteries there, by Captain Henley, of the United States schooner Carolina, being also sent for by General Jackson, hastened to New Orleans, and, with Captain Henley, dropped that vessel with the current down the river towards the British encampment; ordering the sloop-of-war Louisiana, Lieutenant-commandant C. B. Thompson, to follow. The crews of these vessels were, many of them, lately impressed and of such various nations, that they could not understand each other's language, nor, by words, the commands of their officers.

New Orleans was greatly excited. As Jackson rode through the streets to attack the enemy, Creole women, of southern sensibilities, loudly bewailed the departure of their fathers, husbands, brothers, sons, and lovers, to provoke what many brave and well-disposed men deemed a rash and desperate encounter, some disaffected treacherously counteracted, and not a few deplored, as a sanguinary sacrifice, about to be made by a reckless commander, who cared not what destruction of property or life was made for his ruffian glory. A negro was captured with British proclamations, which he was fastening along the fences, signed by Admiral Cochrane and General Keane, calling on all *Louisianians* to remain quiet, and they would be unmolested in their houses, as the British made war only against *Americans*. As Jackson rode, confident and composed, along, he desired his aid, Mr. Livingston, to assure

the affrighted ladies, in French, that the enemy should never get to New Orleans; that freemen, defending their fire-sides, could not be conquered. The few inhabitants of the city who went with him, rushed, with almost feverish alacrity, to battle. But their number was not large. Less than 300 white, and rather more than 200 colored, were all who, from the city, shared their leader's perils on that perilous night.

Men of several nativities, various sympathies and colors, with discordant cheers, in a Babel of tongues, led by a commander strange to nearly all; a few of the officers having some military experience, but most of the men and officers, like their leader, never in conflict with trained and accomplished enemies. How many English they were to attack, no one knew. A small piquet of five mounted men, sent to reconnoitre, were soon driven back, without being able to approach the enemy. Adjutant-General Hayne, with a considerable force, then despatched on the same errand, returned with a merely conjectural estimate that they did not exceed 2000. As the sloop of war Louisiana could not be got down the river, for want of wind, the armed United States schooner Carolina dropped down toward the encampment, her captain, Henley, and Commodore Patterson, having hastened aboard from the bayou St. John, where they were erecting naval batteries when apprised of the British arrival. About dusk, Mr. Livingston boarded the Carolina, with General Jackson's direction to anchor abreast of the encampment, at a spot indicated by Mr. Livingston, and there open her fire, which was to be the signal for the onset ashore. The Carolina leisurely swept to her desired anchorage, so as to give time for the land operations, floated past the British sentinels, without suspicion of her purpose, and was hailed in a low tone, as if believed to come on no unfriendly errand. Right opposite their central camp-fires she took her station. Then what was intended as a signal was rendered a surprising commencement of the onslaught, as one of the British sufferers thus describes the action:—

“Having fastened all her sails, and swung her broadside toward us, we could distinctly hear some one cry out, in a commanding voice, ‘*Give them this for the honor of America!*’ The words were instantly followed by the flashes of her guns, and a deadly shower of grape swept down numbers in

the camp. Against this dreadful fire we had nothing whatever to oppose. The artillery which we had landed was too light to bring into competition with an adversary so powerful; and, as she had anchored within a short distance of the opposite bank, no musketry could reach her with any precision or effect. A few rockets were discharged, which made a beautiful appearance in the air; but the rocket is an uncertain weapon, and these deviated too far from their object to produce even terror among those against whom they were directed. Under these circumstances, as nothing could be done offensively, our sole object was to shelter the men as much as possible from this iron hail. With this view, they were commanded to leave the fires, and to hasten under the dyke. Whither all, accordingly, repaired, without much regard to order and regularity, and, laying ourselves along wherever we could find room, we listened, in painful silence, to the pattering of grape-shot among our huts, and to the shrieks and groans of those who lay wounded beside them.' "

With the variations unavoidable in such descriptions, and which indicate their truth, another English historian, on the spot, confirms the first quoted one's account of that surprise. Both confess the consternation in which all fled instantly from the camp-fires, where they reposed gaily, and hid under a ditch, as shelter from the iron hail. There, half-frozen and starving, the atrocious soldiery of that noon laid panic-struck all night, and all the next day, half-buried, to crawl out at last to bury their dead.

The naval signal for onslaught ashore sacrificed a hecatomb of 100 soldiers killed or wounded by the first broadside for the honor of America. The English camp-fires, blazing for supper and slumber, lighted American gunnery from the Carolina, aimed point-blank with deadly certainty. For a short time, partially recovering from consternation, the astounded enemy attempted to retort with rockets and musketry. But rockets, which, at Bladensburg, put the militia to flight in a panic, were harmless, and almost amusing fire-works, let off in the dark, at the schooner. And random volleys of musketry, though a good many balls struck her masts and rigging, only wounded one man slightly. Instantaneous flight and concealment were indispensable, according to all the British accounts, official and historical. So egregious had been British mistake that Louisiana would embrace the invaders as deliverers, and that, except a few North Americans, all the inhabitants of that Spanish-French province longed for British and Spanish rulers,

that not a misgiving of any harm disturbed the invaders' ca-rousals. The Carolina, in the dusk, quietly swept in near her victims, cast anchor, and, in profound silence, calmly prepared for carnage. The merry victims to be sacrificed hailed her with some doubt, but greater welcome, believing that it was a vessel loaded by Louisiana friends with supplies for their deliverers. Their Spanish guides had led them to expect friends, with plenty of good cheer, and treasures of lawful prize. A terrible broadside dispelled that delusion, driving, General Keane's despatch stated, Colonel Thornton and Colonel Brooke precipitately to hurry the men under the slope of the river bank. Both the British narratives, by sufferers in that severe first lesson of defeat, particularise the many distressing deaths, and still more frightful wounds, it inflicted. The British official report of casualties that night, acknowledges 305 killed, wounded, or missing. Yet General Keane's despatch, for the London Gazette, treated the first onslaught as unimportant, and far from inglorious. The retreat he represented as so rapid that the colonels saved the men under the bank with but *a single casualty*; thereby saving the lives of his army at the cost of their honor. For, if the retreat was so precipitate as to be effected when but a single man was hurt, it was more nimble than honorable. At the midnight battle of Bridgewater, General Scott's rule of retreat was, that it is unwarrantable till at least every third man is struck down. If it were possible that General Keane's statement could be true, the best British troops, when but one of them was hurt, fled from the first fire in a fright, and hid in a ditch. At all events, British contempt of American militia, hope of French co-operation, and reliance on Spanish guides, turned at once to sudden and continually-increasing dread of American sharpshooters, doubt of French aid, and acrimonious suspicion of Spanish betrayal. Still, the Spanish predictions were sincere, and not quite unfounded; while French disloyalty, and American despondency, had some existence, till the overture of that decisive night united all the inhabitants of all races, colors, and degrees, to repulse the English invasion.

General Keane's official despatch for the London Gazette is so egregious a falsification, that it is not only lawful to be

taught by other enemies, but instructive to collate his with their narratives. The British had hardly taken refuge under the levée, when Jackson and Coffee struck their pre-concerted blows.

"The night," says British narrative, "was now as dark as pitch, the moon being but young, and totally obscured by clouds. Our fires, deserted by us, and beat about by the enemy's shot, began to burn red and dull, and, except when the flashes of those guns that played upon us cast a momentary glare, not an object could be distinguished at the distance of a yard. In this state we lay for nearly an hour, unable to move from our ground, or offer any opposition to those who kept us there, when a straggling fire of musketry called our attention towards the piquets, and warned us to prepare for a closer and more desperate strife. * * * * The dropping fire, having paused for a few moments, was succeeded by a fearful yell, and the heavens were illumined on all sides by a semi-circular blaze of musketry. It was now clear that we were surrounded, and that by a very superior force; and therefore no alternative remaining but either to surrender at discretion or to beat back the assailants. The first of these plans was never, for an instant, thought of, and the second was immediately put in force. Rushing from under the bank, the 85th and 95th flew to support the piquets, while the 4th, stealing to the rear of the encampment, formed close columns, and remained as a reserve. But to describe this action is altogether out of the question, for it was such a battle as the annals of modern warfare can hardly match. All order, all discipline, were lost. Each officer, as he was able to collect twenty or thirty men round him, advanced into the middle of the enemy, when it was fought hand to hand, bayonet to bayonet, and sword to sword, with the tumult and ferocity of one of Homer's combats."

After rather a long and not very striking episode, detailing the Homeric adventures and exploits of a comrade, the same British chronicler thus resumes his Epic:—

"Attacked unexpectedly and in the dark, surrounded by enemies before any arrangements could be made to oppose them, it is not conceivable that order or the rules of disciplined war could be preserved. We were mingled with the Americans frequently before we could tell whether they were friends or foes; because, speaking the same language with ourselves, there was no mark by which to distinguish them, at least none whose influence extended beyond the distance of a few paces. The consequence was that more feats of individual gallantry were performed, in the course of this night, than many campaigns might have afforded an opportunity of performing, while, viewing the affair as a regular action, none can be imagined more full of blunders and confusion. No man could tell what was going on in any quarter, except where he himself chanced immediately to stand; no one part of the line could bring assistance to another, because, in truth, no line

existed. It was, in one word, a perfect tumult, resembling, except in its fatal consequences, those scenes which the night of an Irish fair usually exhibits much more than an engagement between two civilized armies.

"The combat had been long and obstinately contested, having begun at eight in the evening and continuing till three in the morning, [the firing ceased about half-past nine, though in the dismay of this narrator it lasted several hours longer,] but the victory was decidedly ours, for the Americans retreated in the greatest disorder, leaving us in possession of the field [of a field they did, but not the field of battle.] Our loss, however, was enormous. Not less than 500 men had fallen, many of whom were our finest soldiers and best officers; and yet we could not but consider ourselves fortunate in escaping from the toils, even at the expense of so great a sacrifice." After he adds, these victors passed the night under arms, "in the morn, to avoid the fire of the vessel, we again betook ourselves to the bank, and lay down. . . Daylight was beginning to appear, when we retreated to the bank. Here we lay for some hours, worn out with fatigue and want of sleep, and shivering in the cold air of a frosty morning, without being able to light a fire or prepare a morsel of provisions. Whenever an attempt of the kind was made, as soon as two or three men began to steal from shelter, the schooner's guns immediately opened; and thus was the whole division kept, as it were, prisoners for the space of an entire day.

"While our troops lay in this uncomfortable situation, I stole away, with two or three more, to find out and bury a friend who was among the slain. In wandering over the field for this purpose, the most shocking and disgusting sights everywhere presented themselves. Many had met their deaths from bayonet-wounds, sabre-cuts, or heavy blows from the butt-ends of muskets. Friends and foes lay together, in small groups of four or six. Such had been the deadly closeness of the strife that, in one or two places, an English and American soldier might be seen with the bayonet of each fastened in the other's body. I strolled into the hospital, and visited the wounded. Every room in the house was crowded with wretches mangled. . . Prayers, groans, and, I grieve to add, the most horrid exclamations, smote upon the ears wherever I turned. . . Passing through the apartments where the private soldiers lay, I next came to those occupied by the officers. Of these there were five or six in one small room. There were many others, some severely, and others slightly hurt."

These descriptive confessions, together with General Keane's official despatch, that he was attacked by at least five thousand men, when there were not two thousand, and the English veterans at least doubled the number of their inexperienced assailants, are indubitable attestations of the impetuous and destructive bravery by which the invaders were surprised, dispersed, astonished, terrified, and routed. But men and officers they were too well practised in warfare not to make

stout resistance, especially as they had no retreat. At four in the morning, when Jackson drew off his men, the British officers might, without much exaggeration, state that the Americans retreated, and from their retirement claim the victory. Nor is it great discredit to the bravest soldiers that, completely surprised and demoralized, they were unable to cope with assailants ardent, self-possessed, brave, and upon their own ground. The British Subaltern thus coincides in the distress, acknowledged by the other narrator, of their disasters: —

“I hardly recollect to have spent fourteen or fifteen hours with less comfort to myself than these. In the hurry and bustle of last night’s engagement, my servant, to whose care I had entrusted my cloak and haversack, disappeared; he returned not during the entire morning; and, as no provisions were issued out to us, nor any opportunity given to light fires, I was compelled to endure, all that time, the extremes of hunger, weariness, and cold. As ill luck would have it, too, the day chanced to be remarkably severe. There was no rain, it is true, but the sky was covered with gray clouds; the sun never once pierced them, and a frost, or rather a vile blight, hung upon the atmosphere from morning till night. Nor were the objects which occupied our senses of sight and hearing quite such as we should have desired to occupy them. In other parts of the field, the troops, not shut up as we were by the enemy’s guns, employed themselves in burying the dead and otherwise effacing the traces of warfare. The site of our encampment continued to be strewn with carcasses to the last; and so watchful were the crew of the schooner, that every effort to convey them out of sight brought a heavy fire upon the party engaged in it. I must say that the enemy’s behavior, upon the present occasion, was not such as did them honor. The house which General Keane had originally occupied as headquarters, being converted into an hospital, was filled at this time with wounded, both from the British and American armies. To mark its uses, a yellow flag, the usual signal in such cases, was hoisted on the roof; yet the Americans continued to fire at it as often as a group of six or eight persons happened to show themselves at the door. Nay, so utterly regardless were they of the dictates of humanity, that even the parties which were in the act of conveying the wounded from place to place escaped not without molestation. More than one such party was dispersed by grape-shot, and more than one poor, maimed soldier was in consequence hurled out of the blanket in which he was borne.

“The reader will not doubt, when I say, that seldom has the departure of daylight been more anxiously looked for by me than we looked for it now.”

Complaints of uncivilized warfare, by firing on hospitals,
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come with ill grace from soldiers who, at Raisin, suffered wounded prisoners to be murdered; at Niagara, put to death men asleep in bed and others helpless in the hospital; who, at their bombardment of Fort Bowyer, redoubled their fire when it struck down the American flag, soon after Colonel Lawrence humanely suspended his fire when the British flag was shot away, in order to ascertain whether it denoted surrender. Such complaints are puerile and insolent from men serving under Admiral Cochrane, who gave our government by order of his own official notice of barbarous hostilities to be waged, from the same ship *Tonnant* in the Chesapeake that carried him to Lake Borgne. Without truce to bury the dead, it is not illegitimate warfare to disturb those interring them. And, if hospitals are privileged from cannonade, they would be the common stratagem of every army.

Confused, tumultuous, and fragmentary as, by their own officers' confessions, the British conflict, retreat, and concealment were that night, the American attack was well preconcerted, and victorious; and would probably have been completely successful, but for some mishap, which damaged the general's plan of operations.

Although Commodore Patterson was deliberate, and gave, as he supposed, sufficient time for the troops before he fired the signal for their action, yet it was rather too soon for General Coffee, who had to take his brigade round, by a considerable circuit, toward the swamp, before he fell upon the enemy. With the first fire, Jackson's division rushed into action, near the river: the 7th regiment, led by Major Peire, who did not belong to it, but was assigned for that purpose, and the 44th regiment, the two together numbering 763 bayonets; Major Plauché's battalion of city-volunteers, 287; Major Daquin's battalion of men of color, 210; 66 marines, under Lieutenant Bellevue, and 22 artillerists, with two field-pieces, well managed by Lieutenant Spotts—the marines and artillery superintended by Colonel M'Rae. With these, altogether not more than 1400 fighting men, Jackson attacked the British, overcame their strenuous resistance, drove them, after a succession of close conflicts, a mile from their first position, and left

them under the cover of a bank, where they took shelter, without an effort on their part to assail him when he deemed it prudent to draw off his victorious followers. At one moment, when the British seemed inclined to charge, the Americans were eager to meet them with the bayonet, and the drums of Major Plauché's battalion beat to charge. But experienced officers deemed it too hazardous by untried against veteran troops: Colonel Ross, of the 44th regiment, acting by Jackson's appointment as brigadier-general, a brave and regular soldier, especially forbidding it. At another time, when the British were about seizing our two cannon and the marines with them faltered, Colonels Hayne and Piatt, with Major Chotard and some of the 7th regiment, gallantly rescued the artillery. General Jackson was in the fire, among the foremost; and, if his orders had been executed, the action would probably have been still more successful. But Colonel Ross omitted to preserve the junction between Jackson's wing and Coffee's, as arranged by Jackson, which caused some confusion. Instead of keeping the right wing in compact communication with the left, it was suffered to spread to a wide, thin line, which, as the troops advanced and the ground changed, forced the city-battalions to the rear, pressing upon the two regular regiments, thus pushed before instead of being alongside of the volunteers, and so confused the whole movement. A heavy fog had risen from the river during the battle, and nothing but darkness was visible. Separated from Coffee, Jackson was, moreover, ignorant of what he had done. Although Coffee's rifles and the enemy's musketry had signified sharp contest in that quarter, yet there too the firing ceased, the Carolina's fire nearly stopped, as her officers could not direct it in the dark, and General Jackson deemed it prudent to suspend further action till he could hear from General Coffee, and ascertain more than he comprehended as things then appeared.

With, altogether, 648 riflemen, including the city rifle company of Captain Beale, Coffee, for his onset, had to lead his men round the British piquets, beyond their encampment, near the cypress swamp. Major Hind's Mississippi cavalry were stationed in that quarter, as cavalry could not be used in

the dark among so many ditches. Coffee left two of his companies to watch the horses turned loose and the clothing there deposited. With the rest, not exceeding 500 men, as soon as the Carolina fired the signal, though not then exactly where he intended to begin, he moved upon the British encampment; from which the Carolina's fire having driven them, such as retreated towards the swamp soon came into conflict with Coffee. Volleys of the rifle and the musket were exchanged. The British retreated, after several collisions, toward their camp; compelled by close sharp-shooting to take post under a bank, which protected them from shot. General Coffee having no other means than bullets for dislodging them, and apprehending that, if assaulted at close quarters, the British bayonet might prove an overmatch for the Tennessee rifle, stopped in his victorious career, as Jackson had done elsewhere, ceased to fire, and resolved to wait till he heard from Jackson. His answer to Jackson's inquiry made known a mishap which befel Coffee's wing, and threatened at first to be more serious than it proved. In the last collision with the British, Colonels Dyre and Gibson's command, with Captain Beale's company of city riflemen, pushing forward with the extravagant ardor of inexperienced troops, separated in the dark from the rest of Coffee's brigade, of which they were the extreme left, and rushed into the midst of the British, making as well as losing a good many prisoners. The greater portion of the detachment, however, broke through their enemies, but, not knowing in the dark where to rejoin Coffee, returned to where Hind's cavalry were stationed. Coffee's tidings to Jackson mentioned this mishap, and that Colonel Lauderdale, a fine young officer, who served through the Creek war with Jackson, was killed.

Thus the battle, after between one and two hours' severe contest, was suspended. The firing ceased. Jackson was in possession of the field, from which he and Coffee had driven the British. In tumultuary, obscure, and fractional conflict, much had been done. The British, though worsted and demoralized, were still unsubdued and formidable. The Americans, flushed with triumph, desired more; and their commander thought that he might by renewed exertions compel the enemy to surrender;

for they could not retreat. But, separated from Coffee, who had perhaps lost a great many of his men, deranged as Jackson's wing had been by not being kept in the order he prescribed, and imperviously dark as was a night half spent, so that the light to guide our own men was the flashes of their enemy's guns, Jackson had done too well to risk all in aggressive for defensive operation. Invisible enemies, under shelter, could not be reached but with the bayonet, in the use of which weapon they were probably superior to our untried troops, and Coffee's men had no bayonets. Superadded to these considerations another, finally, induced Jackson to forbear any further attempt, for some time seriously contemplated. From British prisoners and deserters he learned that during the action the second British division arrived on the battle-ground, took part in its vicissitudes, and that the enemy outnumbered our sixteen or seventeen hundred men still under arms at least two, if not three to one. By opportune reinforcements the British force was doubled that evening. Admirals Cochrane and Malcolm remained all day, the 23d, at the fishermen's huts, to hasten the transportation of more troops arriving there from Peas island. The boats, which landed General Keane and his advance at daylight, returned immediately for more. Another squadron of vessels from Peas island heard, on the lake, the guns fired by the Carolina, which so hastened their transit that, by four o'clock that afternoon, 2500 men more, under Colonel Brooke, arrived. The 21st regiment of British fusileers, 900; the 44th regiment, 750; the 93d regiment, 1100, and about 150 artillerists, soon after seven o'clock in the evening, landed where General Keane landed with the advance that morning; and, challenged by the great guns, soon hastened over the short distance from the landing-place to the encampment. That reinforcement is mentioned in the Narrative of the British Campaign; and General Keane's report to General Pakenham of the night-action applauds Colonel Brooke, who was not of the first detachment, for *rapidly removing* the 4th regiment from the Carolina's fire to *behind some buildings* which were near; as Colonel Thornton is honorably exhibited, in the same official report, for "in the most *prompt* and judi-

cious manner placing *his brigade under the inward slope of the bank of the river.*" Beyond question, the two brigades were there in the beginning of the action, and parts of both concealed under the levee and behind buildings: refuge not unmilitary, yet attesting their presence and rapid retreat in considerable disquiet. From four to five thousand British troops were, therefore, opposed to Jackson's original two thousand, both sides by midnight somewhat reduced by casualties: but, including the crew of the *Carolina*, the Americans not half the British, if a third. Nevertheless, Jackson, encouraged by success, had resolved to renew the attack, with reinforcements, at daylight. Before leaving the city, apprehensive that it might be attacked from above, by British forces coming from the lake in that direction—that such might be their main design, and the force on Villeré's plantation only intended to divert attention from the principal attack—he had stationed the Louisiana militia, under Governor Claiborne, and the Tennessee militia, under General Carroll, on the Gentilly road, between the city and the swamp, to guard New Orleans in that quarter, should that apprehension be realized. After he had driven the enemy from the field and held them confined under cover, whence it was difficult to retreat, believing it practicable to force them to surrender, at one o'clock at night, he despatched an officer to General Carroll, ordering him, provided he saw no danger of attack from above, to hasten, with the Tennessee militia, to the field of battle, leaving Governor Claiborne with the Louisiana militia as they were. With Carroll's reinforcement and united with Coffee, General Jackson intended to attack the British in their hiding places at daylight.

But the order to Carroll was soon countermanded, and the design of attacking again at daylight relinquished, in consequence of intelligence, disclosed by prisoners and deserters, of the arrival of Colonel Brooke's brigade, and that there were from five to six thousand British troops on the ground, while Jackson had not more than some seventeen hundred at any rate, and, if Dyre and Gibson had been taken prisoners, as apprehended, but fifteen hundred to second him; so that, even

with Carroll's militia, Jackson would still be largely outnumbered.

Three hundred and fifty Louisiana militia had indeed arrived on the ground about midnight, but without Jackson's order or knowledge; and whose imprudent enterprise in the dark came to nothing.

Some miles below New Orleans, the Mississippi winds almost round in a circle, called English Turn. Three hundred and fifty militia stationed there, learning, soon after two o'clock, of the British landing at Villere's plantation, insisted on being led against them. As General David Morgan, who commanded, had no orders, he overruled so wild a movement. But when at night the Carolina's guns inflamed their ardor, neither men or officers could be restrained, and Morgan was constrained to lead them to the field of battle. But, near midnight, when they got there, the firing had ceased, and it was so dark that they could find neither friends nor enemies. After a few random shots fired between them and the British, to the surprise of Jackson's troops, who could not imagine what firing it was, before daybreak, the officers led the men back to English Turn, there to await events and orders. Several of the men, in their eagerness to meet the enemy, who went sick from their hospital, after their muddy, dark march, were so exhausted as to be unable to return, and were left near the battle-ground, reported that six hundred British had been near enough to engage Morgan's corps, but refrained for fear they were too many.

Without knowledge of Morgan's proximity, which at all events would not have affected his determination to retire, at four o'clock in the morning of the 24th of December, Jackson withdrew his forces to a position, two miles from the British encampment, between them and the city. His men had felt the redoubtable enemy, and ascertained their own untried fighting capacity. Confidence was inspired by collision, much diminishing the personal danger which to unexperienced men always seems more terrible than to those who know how much less it is than it seems. The admirable judgment of General Jackson, no less than his daring courage, effectually achieved

his plan of operations. Assailing, instead of defending, and assailing in their first position, astonished, confounded, and, morally still more than physically, subdued the veteran foe, who never recovered from the shock of that tiger's leap upon their throat. All that followed, till their bloody defeat of the 8th of January, was but corollary to the problem solved by that master-stroke.

General Keane's report of it did not pretend to claim a victory, though affirming that his troops repulsed Jackson's assault; *reiterated*, he owns; *checked, for a time, but renewed*; persevered in with unexampled ardor and intensity. He declared, in his carefully-couched letter of the 26th of December, for publication, that "A more extraordinary conflict, perhaps, never occurred." "The enemy now determined on making a last effort, and, collecting the whole of his force, moved against the light brigade. At first this drove in all the advanced posts. But Colonel Thornton was at hand, and, moving forward, appalled the enemy, who thought it prudent to retire, and did not again dare to advance. It was now twelve o'clock, and *the firing ceased on both sides.*" Certainly the firing ceased when so ordered by general Jackson; nor would he venture to advance further, when the British could be reached in their hiding-places by the bayonet only; which, notwithstanding his unquestionable daring, it was deemed imprudent to try with raw troops, who had never served together, most of them not at all, against old soldiers, perfected by military training, by several campaigns, and numerous battles. But, as confessed by the two British historians, that was a dreadful night; when, after being driven from the field, all the British did was to hide in wet ditches, perishing with cold and hunger, and so alarmed as not to venture out even the next day. General Keane's official estimate of his terrible assailants more than doubled their number. "From the best information I can obtain," was his report, on the 26th of December, to General Pakenham, "the enemy's force amounted to FIVE THOUSAND men, and was commanded by Major-General Jackson." That unconscious homage to a superior foe might have furthermore acknowledged that, when Jackson drew off

his men, eager to be led to more and closer conflict, he left Colonel Hinds, with the Mississippi cavalry and some other light troops, to hold the ground from which the Americans drove the British, as a demonstration, and to watch any of their movements. But more than five thousand excellent British troops, disconcerted and indeed dismayed, attempted no movement whatever during that night nor the next day after their reverse. On the 24th, the 25th, and the 26th of December, largely reinforced, and completely reorganized by their new commander-in-chief, General Pakenham, not an attempt was made to disturb Jackson; while, on the contrary, his Tennesseans, and other irregular soldiery, by what British history calls *disorderly*, but confesses was most effectual, on-slaught, day and night affronted the British camp, drove in their piquets, killed numbers of their men, fomenting the amazement and demoralization inflicted on those who expected little resistance, and were assured of kind welcome. The war was virtually ended that night, the metropolis of the south-west rescued, the State of Louisiana snatched from subjugation. But for Jackson's masterly blow struck then, the enemy would probably the next morning, if not sooner, have assaulted and peradventure captured New Orleans; where Jackson had only 5000 troops altogether, most of them raw militia; and where, if there were not many traitors, there certainly were many men of the first respectability, and in the highest stations, who openly deprecated what they pronounced ruinous resistance, and urged the necessity and wisdom of judicious capitulation. The loss officially acknowledged by the British that night was 4 captains, 1 lieutenant, 7 serjeants, 1 drummer, 33 rank and file — 46 killed; 1 lieutenant-colonel, 1 major, 2 captains, 8 lieutenants, 10 serjeants, 4 drummers, 141 rank and file — 167 wounded; 1 major, 1 lieutenant, 1 ensign, 3 serjeants, 58 rank and file — 64 missing; total, 277. The British narrative, before mentioned, puts it down as at least 500. The American casualties were 24 killed, 115 wounded, and 74 prisoners; total, 213.

Jackson pitched on the bank of what was called Rodriguez canal for his station, four miles below New Orleans; and the

line to be fortified, for preventing the British marching in that way to the city. But apprehending their approach also by the river Mississippi, and moreover by Lake Barataria, deserters and prisoners imputing such designs to them, his vigilance and energy were exercised, therefore, to guard, by those he sent for the purpose, several avenues, besides fortifying what was called his line, to which his personal attention was given during four days, from the morning of the 24th, when he encamped there, to the 28th, when the enemy made their first unsuccessful attempt to force his position. During those four days and nights he took no rest, but, day and night, superintended the digging, trenching, arming, and otherwise rendering available that rude fortification, of which, as he justly said, a rampart of brave freemen was, after all, the best bulwark. Lafitte was sent with Major Reynolds to fortify Barataria; the forts on the Mississippi were deemed sufficient to keep the enemy from ascending that stream; and Jackson was indefatigable in the fortification of the avenue they chose, which recommended itself for his selection by the morass skirting all the way from Baton Rouge the strip of dry land on which New Orleans stands, approaching, there, so near the Mississippi that there were but about 400 yards to be guarded across from the river to the swamp, and by a deep canal, of which the mud thrown upon the bank already formed the beginning of a rude glacis.

The enemy's plan was to collect all their forces where General Keane landed, and thence assault New Orleans. With undisturbed command of the lakes, and foot-hold on the Mississippi, they had all they needed for collecting troops, munitions, provisions, and whatever else they wanted from Peas Island, at the plantations below the city. Their most immediate and alarming obstacle, after Jackson withdrew, was the batteries afloat, on board the *Carolina* and *Louisiana*, on the river. During the 24th of December, all that General Keane endeavored was to avoid the fire from the water, so fatal the night before, and which still annoyed his troops whenever they showed themselves. Early on the morning of Christmas day, Generals Pakenham and Gibbs arrived; and all the advance

corps, which, under General Keane, had been roughly handled, if not discredited, was dissolved by General Pakenham, the troops altogether newly organized into two brigades or columns, and, with another commander, better hopes were inspired. But General Pakenham gave vent to his disappointment and mortification in no measured terms, so loudly fulminated that they were known to every officer and soldier in the bivouac. A wide, rapid river on one flank, an impassable wood on the other, the Americans close by in front, and not boats enough with the fleet to carry off one-third of the British forces at a time—Pakenham was disconcerted at the first blush of things.

“All things,” says the British narrative, “had turned out diametrically opposite to what was anticipated; and it appeared that, instead of a trifling affair, more likely to fill our pockets than to add to our renown, we had embarked in an undertaking which presented difficulties not to be surmounted without patience and determination. . . . Being placed beyond the risk of serious annoyance from the shipping, the whole army *remained quiet* for the night. . . . In our guides, to whose rumors we had listened before with avidity, no further confidence was reposed. It was perfectly evident, either that they had purposely deceived us, or that their information was gathered from a most imperfect source; therefore, though they were not exactly placed in confinement, they were strictly watched, and treated more like spies than deserters. Instead of an easy conquest, we had already met with vigorous opposition; instead of finding the inhabitants ready and eager to join us, we found the houses deserted, the cattle and horses driven away, and every appearance of hostility. . . . After a rapid and prosperous voyage, Sir Edward Pakenham, with General Gibbs as his second in command, arrived in time to see his troops brought into a situation from which all his abilities could scarcely expect to extricate them. Nor were the troops themselves ignorant of the unfavorable circumstances in which they stood. Hoping, therefore, every thing from a change, they greeted their new leader with a hearty cheer; while the confidence, which past events had tended in some degree to dispel, returned once more to the bosoms of all. It was Christmas day, and a number of officers, clubbing their little stock of provisions, resolved to dine together, in memory of former times. But at so melancholy a Christmas dinner I do not recollect at any time to have been present. . . . The want of many well-known and beloved faces gave us pain. . . . Though far removed from the river, we were still within cannon-shot of our enemy. Nor was she inactive in her attempts to molest. Elevating her guns to a great degree, she contrived occasionally to strike the wall of the building, a barn, in which we sat. . . . While thus sitting at table, a loud shriek was heard, after one of these explosions, and, on

running out, we found that a shot had taken effect in the body of an unfortunate soldier. Though fairly cut in two, the poor wretch lived for nearly an hour."

To remove the cause of such hindrance and annoyance, the schooner *Carolina* must be destroyed; for which purpose a battery was erected, during the night of the 25th of December, of nine field-pieces, two howitzers, and one mortar, planted on the brink of the river after dark; which, at dawn on the 26th, fired red-hot shot on the schooner — Captain Henley having moved her to the other side. The shot soon took effect among her ropes; the flames burst forth; there was danger of the magazine exploding, and it became necessary for the captain to blow her up and land with his crew. The guns of the battery were then turned against the *Louisiana*, whose commander, Lieutenant Thompson, by towing and other means, managed to get that vessel higher up the stream and out of danger. By the destruction of one of those vessels and removal of the other, the way was clear for General Pakenham to New Orleans, provided he could overcome General Jackson, to which all the enemy's efforts were strenuously directed during the 26th, 27th, and 28th of December. Both parties were fully aware that time was a vital element, of advantage to Jackson and detriment to the enemy. The Kentucky militia were expected soon, and other reinforcements were continually joining Jackson, whose position was every hour gaining additional strength, by deepening and widening the ditch or canal, heaping up mud from it on the bank, and fortifying the whole. The physical force constantly gained by the Americans was, however, the least of their melioration. Successful battle, while it increased their numerical, quadrupled their moral force. On the other hand, surprise, disappointment, and discomfiture, diminished, still more morally than physically, the power of their enemies, of whose apprehensions of their bold, wily, and terrible adversaries, their own histories tell, what from any American narrator would be quite incredible imputation on renowned, veteran British troops.

Jackson had the levees or river-banks between him and the British cut, so as to let in the water from the Mississippi and

overflow the ground. By his order, General Morgan did the same thing below and near the enemy, who would thus be confined, by water two or three feet deep, to an island, artificially formed, for their only foothold. That hydrocele of their position might have prevented their attacking either Jackson's camp or the city, with any effect, and compelled them to retire to their shipping, but for the river falling, instead of rising, soon after its ruptures were effected. By that contravention, his purpose was not only frustrated, but the plan and operations of the enemy much facilitated. The waters let into the fields, without flooding them, filled the creeks, rendered them more navigable, and enabled the seamen, by boats, to transport artillery and other necessary supplies from the lake to the encampment. In that arduous service they were incessantly employed during the 26th and 27th; and, as the official despatches of their commanding officers attest, labored day and night, with an assiduity and cheerful toil seldom exceeded. A battery having been erected by night, to protect them from the Louisiana, should that vessel attack the camp, on the morning of the 28th of December, the whole army, probably nine thousand strong, in two columns, — that on the swamp side commanded by General Gibbs, and that resting on the river led by General Keane — moved forward, for the first time, to attack Jackson, and underwent their second defeat. How he prepared them for it, by continual torments and terrors, one of their historians, among the sufferers, thus informs us: —

“All this was done quietly enough, nor was there any cause of alarm till after sunset; but, from that time till towards dawn, we were kept in a constant state of anxiety and agitation. Sending down small bodies of riflemen, the American general harassed our piquets, killed and wounded a few of the sentinels, and prevented the main body from obtaining any sound or refreshing sleep. Scarcely had the troops lain down, when they were aroused by a sharp firing at the outposts, which lasted only till they were in order, and then ceased. But as soon as they had dispersed, and had once more addressed themselves to repose, the same cause of alarm returned, and they were again called to their ranks. Thus was the entire night spent in watching, or at least in broken and disturbed slumbers, than which nothing is more trying both to the health and spirits of an army. With the piquets, again, it fared even worse. For the outposts of an army to sleep is considered at all times a thing impossible; but, in modern and civilized warfare,

they are nevertheless looked upon in some degree as sacred. Thus, while two European armies remain inactively facing each other, the outposts of neither are molested, unless a direct attack on the main body be intended; nay, so far is this tacit good understanding carried, that I have myself beheld French and English sentinels not more than twenty yards apart. But the Americans entertained no such chivalric notions. An enemy was to them an enemy, whether alone or in the midst of five thousand companions; and they therefore counted the death of every individual as so much taken from the strength of the whole. In point of fact, they no doubt reasoned correctly, but, to us at least, it appeared an ungenerous return to barbarity. Whenever they could approach unperceived within proper distance of our watchfires, six or eight riflemen would fire amongst the party that sat round them, while one or two, stealing as close to each sentinel as a regard to their own safety would permit, acted the part of assassins, rather than of soldiers, and attempted to murder them in cold blood. For the officers, likewise, when going their rounds, they constantly lay in wait; and thus, by a continued dropping fire, they not only wounded some of those against whom their aim was directed, but occasioned considerable anxiety and uneasiness throughout the whole line."

Inhabitants of Tennessee, at that time, before other States west of it prevented their being frontier settlers or borderers, were used to continual conflict with the Indians, whom, by force of arms, they dispossessed of their lands. Individual, subtle, and sanguinary petty warfare became their passion, like hunting. Chase of Indians, instead of wild beasts, was part of their livelihood, much of their pleasure, and still more of their glorification. In Jackson's lines there were always numbers of these *Dirty Shirts*, as the English called them, ready to hunt *Englishmen*, singly, as well as in military corps, armed with rifles, and as eager for shooting them, as English gentlemen, privileged to shoot game, are every year to fill their public prints with accounts of their exploits in the destruction of deer, foxes, pheasants, and partridges. Much of the British torment and American achievement before New Orleans proceeded from that frontier habitude of hunting and destroying men instead of other animals. Among other stories of these mostly nocturnal hunting parties, it was related of an old Tennessee rifleman that, stealing along through ditches and underwood till he got near an English sentinel, he shot and stripped him of his arms and accoutrements, which the assassin, as he would be called by English military morals,

laid down where he could find them ; and, quietly waiting in his covert till another sentinel was posted in place of the dead one, then in like manner killed and stripped him, and laid his equipments where he had deposited the other captures. A third sentinel was shot in the same way ; and, after waiting a good while, without another sentinel's being posted, the Tennessee rifleman returned to his comrades, with the spoils of his three victims and the pride of a successful hunt. The prince regent, Lord Castlereagh, and Admiral Cochrane, by whom official notice was given to our government of barbarous hostilities, no doubt, condemned such individual atrocities as inhuman. Like the more atrocious enormities they proclaimed, it is to be hoped that neither may prove useless in deterring kindred nations from renewal of savage warfare.

"Having," the British Narrative adds, "continued this detestable system of warfare till towards morning, they retired, and left us at rest. But, as soon as day began to break, our piquets were called in, and the troops formed in order of attack."

Having thus, by the narrative of one of the British sufferers, shown how Jackson by night unmanned his assailants for battle next day, another, the Subaltern, tells with what alarm, hesitation, and perplexing timidity the invaders made their first essay on Jackson's entrenchments, and gave his troops their second lesson in the art, becoming easy, of defeating enemies superior in numbers, science, experience, and all the elements of war, but courage and familiarity with fire-arms and wildernesses. Carroll's Tennessee militia, Coffee's riflemen, the Carolina's officers and crew, and the Baratarians at several batteries, were, on the 28th, in position ; excellent cannoneers, as well as riflemen ; and Morgan, with most of his men, withdrawn from English Turn, were stationed on the other side of the Mississippi, at a battery, opposite the British encampment.

"It was not," says the Subaltern, "the custom of Americans, you must know, to protect the front of the army, either by day or night, by a regular chain of outposts. Every morning, indeed, as soon as it was light, a corps of some five or six hundred mounted riflemen came down, which, spreading themselves over the plain, watched our movements in a very irregular and unsoldierlike manner. The head-quarters of this corps invariably esta-

blished itself in a house, distant about long musket-shot from our sentries and close to the main road, whilst the rest wandered here and there, as inclination or caprice seemed to direct. Regularly as night closed in again, these mounted men withdrew, and then began that system of irritation, in which General Jackson appeared to take much delight, and which, without in any essential degree influencing the issues of the campaign, served to harass and annoy our troops severely. Why no attempt was made on our part, during either of the days above mentioned, to drive back these stragglers, and to obtain a view of the enemy's position, I know not. All that I do know is, that nothing of the kind was thought of; and that, even on the 27th, when the whole army was put in motion, our progress was for awhile as slow, and as circumspect, as if a thousand ambuscades had been on all sides of us. The right column, for example, which skirted the wood, after moving forward about three or four hundred paces, was commanded to halt. The house which it appeared the enemy usually occupied, had not been examined, and it had not been deemed prudent to pass it by without examination. Instead, however, of leaving this to be effected by the light troops, a couple of pieces of cannon were ordered to the front, and the empty mansion had the honor of being several times perforated with round shot. This being done, and no troops seen to evacuate it, the columns again pressed forward. The day was clear and bright; there was just enough of frost in the air to be agreeable, and we were all in the highest spirits. On we went, therefore, for about three miles, without any halt or hindrance, either from man or inanimate nature, coming in our way. But, all at once, a spectacle was presented to us, such indeed as we ought to have looked for, but such as manifestly took our leaders by surprise. The enemy's army became visible. It was posted about forty yards in rear of a canal, and covered, though most imperfectly, by an unfinished breastwork. The outlines of several batteries had been traced, a ditch was marked out and partly begun — in a word, the rudiments of an intrenched position were before us. We, who were on the right, felt neither astonishment nor regret at the prospect. We saw that the works were contemptible, and we made no doubt of carrying them as soon as we should fairly attempt it, — above all, we met with no interruption to our progress. But the case was otherwise on the left. The head of that column had no sooner arrived within range of the lines than a tremendous cannonade, not only from the guns in position, but from the ship and a flotilla of armed boats, opened upon it. We could perceive, plainly enough, that the fire was not harmless; for the column instantly deployed into lines of battalions, and the lines, after pushing forward some little way, halted, and lay down. On our side, however, an opposite course was pursued. Though the column paused, for what purpose is, I confess, a mystery to me, our skirmishers dashed in increased force into the wood, and became immediately engaged with a body of riflemen, who were posted there for the purpose of covering the right of the enemy's centre. For an instant, the firing was tolerably sharp; but we drove them before us in gal-

lant style, and had penetrated as far as their outer defences, when an order arrived that we should proceed no farther. Whilst I live, I shall never cease to regret that such an order was issued. Contrary to all expectation, we found the bog within the cypress wood perfectly passable; whilst the entrenchments, which it behoved us to carry, consisted then of nothing more than a few abattis, with a low mound of earth thrown up in the rear. One spirited dart, such as we were preparing to make, must have carried us through them. But our ardor was repressed; we were even directed to fall back, and we spent full four hours standing or sitting idly under cover of the trees, and listening to the sound of the enemy's guns, which played incessantly upon our comrades. To complete the business, we were informed, about three o'clock in the afternoon, that the main body was retiring, and, a little before dark, we followed the example. Thus, without so much as one effort to force through them, was a British army baffled and repulsed by a horde of raw militiamen, ranged in line behind a mud-wall, which could hardly have protected them from musketry, far less from roundshot. There was not a man among us who failed to experience both shame and indignation, when he found himself retreating before a force for which he entertained the most sovereign contempt.

"I have said, or I ought to have said, that the retrograde movement, of which I am now speaking, was conducted in the most disorderly manner. To save the men as much as possible from the cannonade, which still continued, the different regiments were directed to break off in files and small parties from the right. This was done, and to the Americans it doubtless conveyed the idea that we were not retiring, but flying, for they rent the air with shouts, and plied us more and more briskly with grape, roundshot, and shells. It was impossible that so many missiles could be thrown without causing some loss. About thirty men out of our column fell, and at least as many out of the other. One unfortunate fellow, who was walking before me, received a nine-pound shot on the knapsack, and it literally dashed him to pieces. But we were, on the whole, fortunate to escape so well, more fortunate perhaps than our want of resolution deserved."

When Jackson surprised and worsted the British in their first position, the night of the 23d, and defeated them when they attacked him in his first position by day, the 28th, — on both occasions, the navy performed conspicuous service, and afterwards, at all times, batteries of ships' cannon, mounted ashore, were manned by seamen and superintended by naval officers. The crew of the *Louisiana* was composed of people of all nations, except English, most of them picked up, some impressed, in the streets of New Orleans not a fortnight before the action in which their discipline and gunnery were admirable. Two-thirds of them could not understand what Lieutenant

Thompson, their handsome and gallant first-officer, said, who, nevertheless, had brought them to excellent aptitude. As soon as he perceived the British army advancing, the Louisiana was warped round, so as to bring her broadside to bear on them, and, for seven hours, she kept up a constant cannonade, firing eight hundred shot, killing and wounding a great many men, and driving the rest at last to seek refuge in the distant fields, out of reach of her guns. Red-hot shot were continually fired at her, but without effect. Only one of her men was slightly hurt. Marine batteries ashore, managed by the naval Lieutenants Norris and Crawley, and Captain Dominique, with a party of his Baratarian seamen, at another battery, all skilful cannoneers, did great execution. The British columns advanced with the imposing regularity of veteran cohorts, marching with pride to battle, though not quite confident of victory. Their artillery, musketry, and rockets, made a terrific fire; but the experience of the 23d enabled the American raw troops to defy such redoubtable parade of battle, and they stood cheerfully and firmly to their guns, retorting with greater destruction from their cannon and rifles. While their casualties, like those of the 8th of January, were extremely small, only seven killed and ten wounded, the British, more exposed, were believed to have lost many more, killed or wounded, before they gave up the contest in disorderly retreat.

The defence of Louisiana and rescue of New Orleans will not be appreciated as they should be, or well understood, without a clear and correct view of the difficulties General Jackson had to contend with in the State, in the city, and in the legislative assembly. Enemies behind, which nearly every commander must control, are often more dangerous than those to be repulsed from without. According to Voltaire, scarcely any thing great has ever been done, but by the genius and firmness of some one man struggling against the prejudices of a community. Certainly, on such an occasion as that which put the multifarious population of that unfortified place on Jackson's responsibility to defend, a single will was the method of safety. Among the intelligent and respectable citizens of the State, all such as were patriotic, there was a unanimous

desire that the general should establish martial law. Mr. Maunsel White, a merchant, who commanded a company of volunteers in Major Plauché's battalion, testified that the fearful reports, before and after Jackson's arrival, of servile insurrection, as well as disaffection, induced all who felt an interest in the safety of the State to desire that the general should have full power to call all the citizens indiscriminately into action, and, in order so to do, martial law was strongly recommended. Before the 17th of December, therefore, the officers of the city volunteer-battalion went to the general's head-quarters, and there, together with a number of others of the most respectable inhabitants, including the United States judge, Hall, on deliberation, unanimously recommended martial law. Several, if not all, of the judges, local, state, and federal, declared, immediately afterwards, that the State was saved by its declaration. Before Jackson's arrival, Governor Claiborne had despatched confidential agents through the State, warning the civil authorities against the British attempts to enlist and arm the slaves, whose insurrection was dreaded; and the governor warmly approved the declaration of martial law. Under a firm conviction that the exercise of ordinary power would be insufficient for the crisis, a patriotic obligation to the country, and a religious sense of duty, with the sanction of the most respectable and intelligent inhabitants, Jackson therefore superseded civil by martial law, which, in one word, was but the substitution of his will for all other law. But constitutional forms were suspended for a moment in order to prevent their destruction for ever. Personal freedom was incompatible with the necessity that every citizen should serve as a soldier. Private property belonged to the occasions of public security. Liberty of the press and of speech were much more dangerous than their temporary suppression, in such a crisis, when the ordinary rights and enjoyments of peace were unavoidably postponed to the exigencies of war, and withheld from freemen for that crisis lest they should be altogether lost. Governor Claiborne's patriotism and good sense indicated obedience to General Jackson as his duty. And the Legislature, though they refused to adjourn when

the governor urged it, would have best executed their trust for the people by cordial and energetic support of the commander-in-chief. Though animated for the most part by a spirit of patriotic good will, yet there were panic-struck members of the Legislature. Their inaction, unpardonable parsimony, and several of their public proceedings, justly excited suspicion of their loyalty. In the language of the governor's answer to their resolution of the 3d of January, 1815, "it was apparent that suspicions highly injurious to the Legislature had gone forth." Sebastian Hiriart, who vacated his seat as a member of the Senate, to enrol himself a volunteer-private in Plauché's battalion and take part in the battle of the 23d of December, was invited, as he declared, by Jean Blaque, a member of the House of Representatives, on the 26th of that month, to a private meeting of seven or eight members of the Legislature, in a room at the Statehouse, that evening, at which Colonel Alexander Declouet, who commanded a regiment of militia, was present. The topics were the arrival of the British, the combat of the 23d, and, more particularly, General Jackson's determination to make desperate battle, even in the streets of the city, if necessary. The Speaker of the House of Representatives, Magloire Richard, who was one of that darker than crepuscular and inexcusable meeting, held language extremely derogatory to his station; saying, that Jackson's commission as commander was a misfortune to them, for he seemed no better than a desperado, resolved to make war like a savage, and bring destruction by fire and sword on the city and neighboring plantations, one of which was the speaker's residence. Suspicions of such legislators cannot be deemed unfounded or unjust. American legislators, empowered, are apt to exaggerate their right, to condemn, approve, and control the executive branch of government. The Legislature of Louisiana, which did little for military operations, inclined to direct them, and caused untimely conflict between them and the commanding general. Naturally high-toned, Jackson, inflexibly honest and patriotic, was probably sometimes overbearing; and his success on the 23d of December did not tend to lower his tone or his confidence.

Three days before the British landed, but when their unimpeded approach by the lakes, after the capture of the gunboats, had been officially announced by the governor to the Legislature, the Speaker of the House of Representatives, on the 20th of December, asked for and obtained leave of absence, "until after to-morrow," is the Journal. During the inchoate sessions of the House for several days after that morrow, on the 22d, as well as the 21st, the 23d, the 24th, the 25th, and the 26th, the speaker did not attend. The sessions were hardly nominal—for a week, there was rarely a quorum in either house. On the 27th, the speaker's return is thus journalized: "The hon. speaker *made his appearance* and resumed the chair." While he was gone, a dragoon vidette, James M. Bradford, whose beat or range on horseback was below the city, on the left bank of the Mississippi, reported to General Jackson that one morning, about daylight, cautiously approaching the enemy's lines on the bank of the river, the fog being very dense at the time, he met the speaker, apparently coming from the enemy's camp, who, after saluting Mr. Bradford, seemingly in haste, entered a small skiff or canoe, put out into the river, and soon disappeared. The speaker's plantation was below Villere's, near the place where then seen; and he might have been going from his own residence to New Orleans when the vidette discovered him, as Mr. Bradford conceived, under suspicious circumstances.

After having at the night-meeting of the few members of the Legislature, on the 26th of December, heard the speaker's denunciation of General Jackson for the Roman virtue that should have commended him to the speaker's regard, Colonel Declouet, next day, lodging at the speaker's plantation, without implicating, but, on the contrary, exonerating him, as the speaker declared, from all blame and suspicion, nevertheless complained to him that the Legislature, in whom he had no confidence, continued in session, without reason, contrary to the governor's wish, full of intriguers, who would seize all authority or see the country overthrown. The speaker, in reply, charged Declouet with proneness to suspicion, and said that, though the session of the Legislature was prejudicial to

his private affairs, yet he defended it as right, because they were the people's sentinels, in a crisis, to take such measures as the circumstances and calamities of war rendered necessary. Richard and Declouet appear to have both been men of good character: but the striking difference between them was, that whereas the colonel served gallantly in all the battles and exposures, the speaker absented himself from all. Major Eaton's *Life of Jackson* allows but four members of the Legislature the honor of bearing arms against the enemy; whose names, if so, deserve the more laudable mention. They were Garrigues Flaujeac and Sebastian Hiriart, of the Senate, and Thomas Bradford, of the House of Representatives, to whom Eaton adds one he calls Eziel. The Journal of neither house contains that name, which may be a mistake for Achille. The Journal also mentions Mr. Harper as going to the lines with his gun; and, probably, other members served in the field. Still, the few who appear to have done so, confirming the governor's official accounts to General Jackson of the disloyalty or inertness of much of the population, tended to impress Jackson with doubts of their representatives as well as of the community.

Quarter-master Peddie, of the British troops, soon after peace partly withdrew the veil of belligerent secrecy, told Charles K. Blanchard, as he informed General Jackson, that the commanding officers of the British forces were daily in the receipt of every information, from the city of New Orleans, required in their operations; that they were perfectly acquainted with the situation of every part of our forces, the manner in which they were posted, the number, strength, and position of our fortifications. He described the battery on the left bank of the Mississippi, and offered Mr. Blanchard a plan of the works: stating that the information was received from seven or eight persons in the city of New Orleans, from whom he could at any hour procure any information necessary to promote his majesty's interest. Hortaire Andry, being sent from his father's plantation, directly opposite the British camp, on the 7th of January, 1815, to ascertain the fate of three or four companies of militia, was taken prisoner, on the

8th of January; and, while as such in confinement, saw, he said, a market established in the British camp, by citizens of Louisiana and others, as well supplied as the market of New Orleans.

Under such circumstances, not to be armed with suspicion would have been imbecile. Between the 23d and 28th of December, according to Eaton's Life of Jackson, Major Butler, who still remained at his post in the city, was applied to by the Speaker of the Senate, Fulwar Skipwith, to ascertain the commanding general's views, provided he should be driven from his line of encampment and compelled to retreat through the city: would he, in that event, destroy it? Major Butler asking why Mr. Skipwith inquired, he replied, that it was rumored and believed that, if driven from his position and made to retreat through the city, General Jackson had it in contemplation to lay it in ruins; and the Legislature, Mr. Skipwith said, desired information on the subject, in order, if such were his intentions, that they might, by offering terms of capitulation to the enemy, avert so serious a calamity. Before that unwarrantable inquiry by the presiding officer of the Senate, Eaton furthermore states, doubtless on Jackson's authority, that a special committee of the Legislature called on him, to know what his course would be, should necessity compel him to leave his position. The appointment of no such committee appears by the Journal of either house; if any members of the Legislature made the inquiry, they did it as individual members. There is nothing, by their records, to reproach the Legislature, or any authorized emanation of it, for such impertinent aberration from their sphere, though affrighted, or disaffected, or, possibly, traitorous individual members might have so demeaned themselves.

The Speaker of the Senate, Fulwar Skipwith, was a Virginia gentleman, of respectable family and position, selected, as gentlemen of education and respectability mostly were by President Jefferson, for official station. After being, by his appointment, some time American Consul at Paris, and marrying there a French wife, Mr. Skipwith settled in Louisiana, and represented East Baton Rouge in the Senate of that

State. But it was no part of his duty or right as senator to interrogate the military chieftain, still less his inferior officer, and in a tone of authority inquire what were the general's military plans or intentions. Eaton's Life of him gives Jackson's answer to the supposed committee of the Legislature, stern, oracular, and mystified: he would cut the hair from his head, he said, if he thought it knew what he would do. "You may return, and tell your honorable body that, if the fate of war drives me from my lines to the city, the Legislature may expect a warm session." By daily and nightly measures of wise, however painful, restraint, Jackson gave offence, and rendered himself obnoxious to the charge of despotic asperity. Understanding that many of the young men, under various pretexts, had failed to appear in arms, he directed Nicholas Girod, the Mayor of New Orleans, to make a register of every male less than fifty years old in the city, in order that steps might be taken to compel their military service. Much hindered by deficiency of arms, he ordered the mayor to have every house searched, and every store and building, for muskets, fowling-pieces, pistols, bayonets, axes, spades, or other weapons and implements. The owner of some cotton complaining to him of its loss by use in the fortifications, he compelled him to shoulder a musket, take his place in the ranks and his part in fighting for the property at stake. After nine o'clock at night, no person was suffered to be abroad without special permission. These, and other acts of repression, made complainants and enemies. Nor, with all his military rigor, did the general, or could he, put a stop to treasonable intercourse and frequent betrayal. By the swamps and by the river, interlopers communicating with the enemy continually apprised them of Jackson's movements. "Nothing," said a British officer, after the peace, "was kept from us, except your numbers, which we never could find out." By positively restricting all information on that subject to the adjutant-general and himself, Jackson, extremely anxious to prevent knowledge of the smallness of his force, contrived to impress the enemy with apprehensions that it was much larger than it ever was.

Arbitrary, but indispensable military rule, and success in the

first encounter, instead of the disaster predicted by the timid and desired by the treacherous, but all the while thwarted by provoking counteraction that could not be reached, and wants he labored anxiously to supply, heated Jackson's soldierly pride and iron will to ferocious resolution. His mind was made up to burn the city rather than let the enemy take it; to lay waste all the habitable vicinage, and retreating above the town, there cut off all supplies for the British, confine them to a narrow strip of devastated ground, and force them to retire to, or, at least, entirely depend upon their shipping. The entire Southwest, nearly to a man, would have rushed to his succor, even if deserted by the East, to drive away the invaders and recover the key to the Mississippi Valley. There were with Jackson, as he afterwards said, "men of wealth, owners of property, who would have been among the first to apply the torch to their own buildings, and what they left undone," said he, "I should have completed." If driven back from his entrenchments, he had snatched all, but the ruins of a city burned to ashes, from the abortive grasp of disappointed conquerors, the brands of that conflagration would have inflamed the patriotism of the country, and illuminated the renown of that ruin's artificer even more than the well-nigh bloodless victory by which he rescued New Orleans at the cost of so much hostile carnage. The triumphs of Marengo and Waterloo are not historical monuments more memorable or useful than the defence of subdued Saragossa and the burning of captured Moscow. Greatly and cheaply they contributed, still more by moral than by military impression, to save Spain and Russia from subjugation. If Paris had been burned to prevent its available capture by enemies, soon after Jackson nobly resolved to sacrifice rather than surrender New Orleans to some of the same enemies to whom the French capital submitted, with all its magnificent civilization, that holocaust would have cheaply purchased, ere now, a metropolis, like the Russian, more populous, stately, opulent, and prosperous, than ever, and saved France from restorations, revolutions, and convulsions, national debt, and sanguinary degradation, infinitely more oppressive than the momentary loss of any city.

It requires Spanish, Russian, or American uncontaminated patriotism to overcome the effeminate refinement which preferred the preservation of Paris to that of France; and fortunate is the nation, in such a crisis, defended by a man who regards country more than property or life.

Besides the vulgar underlings who, in all wars, are willing, like the Spanish fishermen, to sell their service to enemies, there were many disaffected inhabitants, and respectable persons, neither treacherous nor disaffected, but who, dreading the conflict and doubting the result, honestly, however unwisely, deemed it right to rescue their lives and property from jeopardy by capitulation. Some of the Legislature were said to argue that, as the British promised to respect property and spare life, and Jackson was resolved to sacrifice both to what they miscalled his military pride, it would be wiser to make terms with the enemy than undergo those of their own commander. That state of insubordinate disquiet on their part, and of stern determination on his, was aggravated by an untoward misunderstanding between him and the Legislature, which entirely estranged them. After meeting with the six or eight members, on the night of the 26th of December, where he heard the speaker's suspicious decrual of General Jackson, and getting his equivocal explanations next day at the plantation, Colonel Declouet, on the morning of the 28th of December, just as the British attack on Jackson's lines was raging, with cannonade from the river to the swamp, so fiercely that many behind the imperfect ramparts feared they must be forced, and some even thought they were — Colonel Declouet denounced the Legislature to the general. As one of his volunteer-aids, Abner L. Duncan, [a fellow-student, whom I well knew before his removal from Philadelphia to New Orleans,] was near the lines, hastening to take part in the action, Colonel Declouet, with his horse in full run, in very great haste and agitation, overtaking Duncan, begged him to inform General Jackson that a plan was on foot, among several members of the Legislature, for the surrender of the country to the enemy. To Duncan's saying that it could not be possible, Declouet emphatically replied that he would be answerable for

*Descendants lived at Baton Rouge
in 1880*

the truth of it, and he begged Duncan for God's sake to communicate it to the general. Duncan urged Declouet to go with him, and make the communication himself. But Declouet rejoined that he would tell the governor, and begged Duncan to tell the general. Duncan had no reason to doubt a gentleman whose standing was so respectable; and he had just been told, by several persons on their way to town, that our lines had been forced. Some time before, several members of the Legislature had told him that an attempt would be made, and resisted with violence, to dismember the State, by depriving that part of Florida annexed to Louisiana of its representation in the Legislature. Amidst the roar of artillery and the tumult of battle, terror, and even some flight, to confirm Declouet's alarming disclosures, Duncan, catching his excitement, hurried forward, to inform the general, as he understood Declouet was going to the governor, in that moment of agitation, on the same errand of bad tidings. Pale and excited, running up to Major Plauché, whose battalion covered head-quarters, Duncan hastily inquired of him where to find the general. Struck with his alarm, Plauché asked what was the matter. "Governor Claiborne has just informed me," said Duncan, "that the Legislature intend capitulating." Indignantly exclaiming that it was impossible, Plauché pointed out General Jackson, to whom Duncan rode up instantly. But Governor Claiborne was not Duncan's informer, as he erroneously told Plauché. His informer was Colonel Declouet, who imparted nothing more than his own impression of a design of certain members of the Legislature, which might indeed have been carried into effect at their meeting that day, but was as yet no more than a design, if that, of some of the members.

The next stage of that apprehension, exaggerated by Duncan, as imparted by Declouet, was Duncan's inflamed report of it to Jackson. He was galloping along from the left, where he had just ordered Coffee against an assault there, and in momentary expectation of an attempt to carry his whole line by storm, when Duncan accosted him under such excitement that the general at once inquired, as Plauché had done, what was the matter. Duncan's answer, as the general understood

it, was, that he bore a message from Governor Claiborne, that the Assembly were about to give up the country to the enemy. Have you a letter from the governor? said the general. Duncan saying that he had not, the general inquired where the colonel was, saying that he ought to be apprehended and shot, if the information was not true, and that he, the general, did not believe it. Duncan said the Colonel had returned to town, and requested him to deliver the message. As the general hastened along the line, Mr. Duncan called after him, saying that the governor expects orders what to do. The general repeated that he did not believe the intelligence, but to desire the governor to make strict inquiry into the subject, and, if true, *to blow them up*. That hasty and excited colloquy, on a field of battle, led the general to believe that Duncan reported that the governor sent him to deliver the communication, which impression of the general Mr. Duncan pronounced a mistake.

There seems to be some want of clearness in the General's statement that Duncan told him that "he was the bearer of a message from Governor Claiborne," and that yet the general interrogated the bearer of a message from the governor "as to the person from whom he received the intelligence." For, if the message was from the governor, it mattered not from whom the intelligence came. General Jackson and Major Plauché both say that Mr. Duncan told each of them that his communication came from the governor. And Mr. Duncan not only confessed but pleaded the imperfection of his account, by giving it "as far as his agitation permitted him to understand and remember." The weight of testimony is, that Duncan said he had his information from the governor. The testimony is clear that General Jackson told him *to blow them up*, if they, the Legislature, attempted capitulation; meaning, by that figurative expression, that such attempt, if made, should be prevented by force, if necessary. So vehemently was that indignant order uttered, that its ejaculation, by the general, was at once caught up by the troops, and echoed throughout the encampment, the soldiers repeating their commander's brief sentence of condemnation, "if they should persist, let him blow them up."

Still, the general's order, and the cry of the soldiers, were hypothetical. The Legislature were to be tried before their confinement; till Mr. Duncan, who was certainly wrong, if he told the general, as he believed, that the alarming message was from the governor, again erred by turning the general's provisional into an absolute command. Instead of strict inquiry as to intelligence which the general disbelieved, Mr. Duncan caused the governor, by a peremptory order from the general, forcibly to prevent the meeting of the Legislature. Half-way between camp and town, Mr. Duncan met Mr. Fortier, one of the governor's aids, of whom he inquired if he had met Colonel Declouet, and whether he told him that the Legislature had met, or were about meeting, to deliver up the country to the British. Colonel Fortier answered that he had seen Colonel Declouet, who told him nothing but that our affairs went on well at Camp Jackson, and that the British were retreating. The Legislature, Mr. Fortier said, he did not believe would meet that day, because he had seen several members, not long before, and he named one of them, Mr. Harper, marching to the camp with his gun. Mr. Duncan told Mr. Fortier that the general had just been informed that the Legislature had met, or were about meeting, in order to propose capitulation to the enemy; that he, Mr. Duncan, was the bearer of an order from General Jackson to Governor Claiborne that a strong guard be placed at the door of the Legislature, and the members prevented from meeting and proceeding to business, by means of the armed force. Mr. Duncan requested Mr. Fortier, who consented, to transmit that order as coming from the general-in-chief to the governor. Accordingly he did so, meeting the governor and suite, escorted by a troop of horse, going to the camp, whither he was attracted by the artillery and musketry firing. Mr. Fortier told the governor that the Legislature were about assembling for the purpose of surrendering the country, and that the general's orders were that the governor should immediately shut the doors of the government-house, place a guard there, and, if the Legislature attempted to assemble, to use force, to fire on them. The orders, Mr. Fortier told the go-

vernor, had just been communicated to him by General Jackson's aid, Mr. Duncan. Thus Colonel Declouet's neither unfounded nor unreasonable apprehension, but no more, was distorted, by Mr. Duncan, into a governor's message, perverting what was, at most, but a design into a fact, and that said to be stated in the governor's message, viz., that the Assembly were about to give up the country. The general's prudent reception of that alarming apprehension, nevertheless, premised thorough investigation before belief, condemnation, or action. Yet, when the second edition of the apprehension reached the governor, it was an order from the general, not to inquire, but to act, and to act, not only forcibly, but offensively. The violent method of prevention prescribed for the governor to execute, was offensive and insulting, if not bloody. A strong guard was to be placed at the door, and, by armed force, the Legislature prevented from proceeding to business—if they attempted to assemble, to fire upon them. Astonished at such an order, and disbelieving the cause alleged for it, the governor, after some hesitation and consultation, considered himself bound, when, as he said, the enemy was at the door, and their cannon thundering there, to turn back from going to the camp, return to the city, and personally put in force an order so imperative from the commander-in-chief. Accompanied by Mr. Macarty, the Secretary of State, and several other persons, the governor accordingly repaired to the government-house. It was about ten o'clock in the morning, and that being the hour of meeting, several of the members were there. After first communicating to them what he was about to do, the governor ordered General Labatut—speaking in English, which was turned into French by the Secretary of State—to place a sentinel at each of the doors of the Senate and House of Representatives, and to permit no one, members or others, to enter, and to use violence in case any resistance was offered. General Labatut immediately executed that order, which was enforced by soldiers in the most offensive manner. Levi Wells, a member of the House of Representatives, mounting the stairs, was opposed by an armed sentinel, whom, on explaining his right of entrance, the sentinel, in a tone of voice as insult-

ing as possible, ordered to retire, or he would run him through with his bayonet, which he pushed at him, so as to show that the threat would be executed.

In the course of that day, the Governor withdrew the interdict as to the presiding and other officers of both houses, who were permitted to enter, and in the evening it was removed altogether.

No quorum of the House of Representatives attended on the 24th, the 25th, the 26th, the 27th, or the 29th of December. The journal of the 28th is, that the speaker and other members having presented themselves at the government-house, the ordinary place of sitting of the Legislature, the said speaker and members were arrested by an armed force, who said they had orders to prevent the Legislature from there assembling, whereupon the speaker and the four attending members assembled, as the imperfect entry adds, at the principal place, and it appearing that there was not a quorum, the said members adjourned the House of Representatives till next day. On that day, the 29th, no quorum attending, the House adjourned again till next day.

The Senate, after a short session on the 23d, adjourned till the 26th, when, a quorum not appearing, those present adjourned till next day; and then, without proceeding to business, adjourned till the 28th, at twelve o'clock. On the 28th, at half-past five o'clock in the afternoon, as was journalized on the 30th of December, there being no meeting on the 29th, a statement was drawn up, and signed by six senators, including Mr. Skipwith, the Speaker, that, on his coming to the Senate chamber to meet, he was stopped and prevented by force; that the speakers of the two houses called together on the governor, to know the reason of so extraordinary a measure, who told them that his orders were from the general. On the 30th of December both houses appointed a joint committee to wait on General Jackson, and inquire the reasons of the violent measures against the Legislature, what was the order, and by whom given. His written explanation of next day was laid before the two Houses on the 2d of January. The governor was then required, by resolutions in both houses, to answer

certain interrogatories, which he did by a written message, on the 4th of January. A joint committee of both Houses was then raised, with power to send for persons, take their examination, and report to the Legislature; whose principal business, from that time till the 6th of February, when they adjourned finally, seemed to be to vindicate themselves from imputed disloyalty, expose Alexander Declouet, as author of the imputation, and Abner L. Duncan, by whose misconceptions they declared that the legislative bodies had been insulted.

If they were irreproachable, certainly they were treated most unjustly. If obnoxious to suspicion, still, without investigation, to treat them as guilty, was unwarrantable. The nebulous spots on the case are, that it is not clear whether some members of the House of Representatives did not harbor doubts whether what was complained of as Jackson's Russian, barbarous mode of warfare was not worse than the hostilities of the English; and, although he might not have ordered the Legislature to be forcibly controlled, until their disloyalty was ascertained, still, whether his strong inclination was not to consider, at least, some of them guilty, and to deal with them accordingly. None of the Senate were suspected, notwithstanding their Speaker's untoward inquiry of Major Butler. But what was called the French party, in the House of Representatives, including the Speaker, except Mr. Louallier and Mr. Rouffinae, were, whether justly or not, charged with a design to save property by capitulation. Jackson insisted that Claiborne misunderstood, if he did not misrepresent, his direction, which was not to do anything beyond investigation first, and then, if guilty designs appeared, not to prevent the Legislature meeting, but to surround them, when assembled, by troops, and confine them to their place of meeting. Capitulation was impossible without his consent. The Legislature could not capitulate if he and his troops refused. But a disposition for it, in any part of the Legislature, much more any act of theirs, might have discouraging effects on the troops, and disastrous on the defence. Taking leave, for the present, of this part of the narrative, till we reach the conclusion of the war, and adjournment of the Legislature, the

most remarkable circumstance in that controversy between the general and the Legislature, is its little sensation out of Louisiana. The military issue between Jackson and the enemy was so much more interesting to the country than a quarrel between the civil and military authorities, that, while the former filled the public mind, not only in this country but Great Britain, the latter was either unknown or unheeded, so that even the public press, which lives on excitement, and seizes every particle of ingredients for food, seemed, by silence on this subject, scarcely aware of its existence.

Jackson bore the testimony of his experience, as Washington did during the War of the Revolution, against militia-troops and short enlistments. War is a science; and those trained to it must be generally the best and by far the cheapest soldiers. But the democratic institutions and continental remoteness of these United States from European standing armies render it certain that most of our men in arms will always be militia, volunteers, or other troops, held by short enlistments. It is, therefore, important that the best uses to be elicited from such forces should be exhibited historically. Jackson's Louisiana campaign was short—from the time of his taking command at New Orleans, it did not exceed six weeks. For service so brief, and withal so active, irregular troops are always fitter than for more protracted or sedentary employment. Still, after making that allowance for the superior performance of those under Jackson, we should hardly be able to convince their own countrymen how excellent it was, by American testimony, without indubitable proof furnished by the enemy, and that of a kind the most satisfactory in its source. If the generals or admirals who commanded had given us an account of their transactions, it would have been much less particular than those of inferior officers.

Passing from the second engagement, on the 28th of December, to the third, on the first of January, we shall find the superiority of Jackson's tactics still more remarkable; inspiring his followers with daily increasing confidence, and impressing their assailants with continually increasing diffidence, till their last despairing effort. To the excerpts before incor-

porated with this Sketch from the Narrative of probably a field-officer, some of a Subaltern's views of American desultory, but destructive warfare, are here added, preliminary to the third battle on New Year's day: —

“ During the 28th, 29th, 30th, and 31st, strong detachments from the different corps were employed in bringing a train of heavy ordnance from the boats, with ample supply of powder and ball. The labor and difficulty of accomplishing it were beyond all calculation. Nor was it the only irksome duty in which we were engaged. The piquets never mounted without suffering, sooner or later, an attack. Sometimes the enemy contented themselves with cannonading the outposts; sometimes they advanced large corps in the day, who amused themselves and us with long and unprofitable skirmishes. But their more usual system was to steal forward in sections, after dark, and to harass us with a desultory and troublesome fire of musketry till morning. . . .

“ As yet, neither I nor the men had ventured to light a fire. . . . But the day was piercingly cold. A heavy shower fell from time to time, and the absolute discomfort of our situation proved too much for the whispers of prudence. Two fires were made to blaze up — one for the men, the other for myself and my companion. It seemed as if the American artillerymen had waited for some such object to direct their aim, for the smoke had hardly begun to ascend, when they played upon us, from a battery of five guns, as perfect a storm of grape-shot as ever whistled past the ears of men so situated, and in five minutes the fires were abandoned. But with this the enemy were not contented; under cover of the cannonade, a body of some two or three hundred infantry advanced, in extended order, from the lines. . . . A most uninteresting skirmish ensued. The Americans, it was perfectly manifest, were raw troops. They made no determined efforts; probably it was not intended they should make any efforts to drive us in. But they pressed forward from time to time, creeping along the ground, and running from ditch to ditch, and retreating again as soon as they had discharged their pieces. On our side no movement whatever was made. The men lay down, as I directed, behind a row of bushes, which served at least to conceal them from their opponents, and each file regularly shifting its ground, a pace or two to the right or left, as soon as it had fired. By this means many lives were saved, for the Americans regularly returned our fire, and they never failed to direct their aim to the spots from whence our smoke ascended. The affair having lasted four or five hours, the enemy at length saw fit to withdraw, and we returned to our ditch, with the trifling loss of only two wounded. . . . Their cannon continued to annoy us to the last, inasmuch that the very sentinels were under the necessity of hiding themselves. . . . It was now about midnight, and the darkness had become, almost without a metaphor, such as might be felt. . . . Worn out with fatigue, I had returned to the ditch, not to seat myself beside a comfortable blaze — for no fire had been lighted, and it would have been madness to think of

lighting one — but to rest my limbs a little, and to smoke a cigar. . . The enemy, finding that their heavy artillery hardly reached our camp, had moved two field-pieces and a mortar without their lines, and, advancing them as near to the sentries as a regard for their own safety would allow, were now cannonading, not the outposts, but the main body of the British army. It was easy to perceive that the balls fell not short of their mark. Looking back towards the position, I saw that the fires were hastily covered up, and the murmur of voices which arose gave testimony that they were not thus stifled before it was necessary."

Thus were old soldiers so tormented, harassed, deprived of rest and fire and food, terrified, perplexed, and dismayed, that in every one of the last three battles they stood awed in the presence of their enemies, however raw and disorderly, till at the final catastrophe, as pleaded by their own officers, to apologise for total defeat, whole regiments of British troops, led by officers with noble blood in their veins, shrunk ingloriously from the carnage they dreaded. Their own account of themselves would be incomplete without adding their description of the buoyancy, hilarity, and confidence, which animated the American camp. Jackson knew how much imagination has to do with military operations, — how martial music and the national flag elevate the soldier's spirit. The frost was as sharp, the mire as deep, the labor as arduous, behind his lines as before them. Yet, while the besiegers, benumbed with cold and distressed with wet, were dispirited by continual alarms, the besieged worked and fought confident, merry, and indefatigable.

"About two hours before daybreak," says the Subaltern, "a general stir took place in the American lines. It was their mustering time. They were getting under arms; not for the purpose of attacking us, but to oppose any attack which we might hazard; and they did so to the sound of drums and trumpets and other martial instruments. The effect of this warlike tumult, as it broke in all at once upon the silence of the night, was remarkably fine. Nor did the matter end there. The reveillé having ceased, and the different regiments having taken their ground, two or three tolerably full bands began to play, which continued to entertain both their own people and us till broad daylight came in. Being fond of music, particularly the music of a military band, I crept forward, beyond the sentries, for the purpose of listening to it. The airs which they played were, some of them, spiritless enough — the Yankees are not famous for their good taste in any thing — but one or two of the waltzes struck me as being peculiarly beautiful. The tune however which seemed to please themselves the most was

their national air, known among us by the title of Yankee Doodle, for they repeated it at least six times in the course of their practice."

That was the eighth night the American troops, behind Jackson's lines, had spent in mud-beds, cold rains continually falling, the mire twelve inches deep or more, tents pitched where only little hillocks from the flooded ground could be discovered, the weather extremely inclement, the clothing and other covering of the men, scanty, tattered, and foul. But, when New Year's day was ushered in by a dismal fog, while their enemies were burrowing in the wet earth hard by, preparing for their penultimate assault, men of nearly all regions, except Yankees (for there was scarcely a New Englander in Jackson's camp), rose gayly from their beds of mud, to the homely, but stirring air of Yankee Doodle, overheard by the British Subaltern; and worse armed, less sheltered, worse clothed, less disciplined, and less numerous, than their mighty assailants, drove them from America, never again, in all probability, to be invaded by Britons. For an account of their second attempt on Jackson's lines, and his third victory, my brief description will be best prefaced by that of a British sufferer, added to the other British confession already incorporated with my Sketch: —

"At length we found ourselves," he says, "in view of the enemy's army, posted in a very advantageous manner. About forty yards in their front was a canal, which extended from the morass to within a short distance of the high road. Along their line were thrown up breastworks, not indeed completed, but even now formidable. Upon the road and at several other points were erected powerful batteries; while the ship, with a large flotilla of gun-boats, flanked the whole position from the river.

"When I say that we came in sight of the enemy, I do not mean that he was gradually exposed to us, in such a manner as to leave time for cool examination and reflection. On the right, indeed, he was seen for some time, but on the left, a few houses, built at a turning of the road, entirely concealed him; nor was it till they had gained that turning and beheld the muzzles of the guns pointed towards them, that those who moved in this direction were aware of their proximity to danger. But, that danger was indeed near, they were quickly taught, for scarcely had the head of the column passed the houses, when a deadly fire was opened from both the battery and the shipping. That the Americans are excellent shots, as well with artillery as rifles, we have had frequent cause to acknowledge; but, perhaps, on no occasion did they assert their title to good artillerymen more

effectually than on the present. Scarce a bullet passed over or fell short of its mark, but all striking full into the midst of our ranks occasioned terrible havoc. The shrieks of the wounded, therefore, the crash of firelocks, and the fall of such as were killed, caused at first some little confusion; and what added to the panic was, that from the houses, beside which we stood, bright flames suddenly burst out. The Americans, expecting this attack, had filled them with combustibles for the purpose; and, directing one or two guns against them, loaded with red-hot shot, in an instant set them on fire. The scene was altogether sublime. A tremendous cannonade mowed down our ranks and deafened us with its roar; while two large chateaux and their out-buildings almost scorched us with the flames and blinded us with the smoke they emitted.

"The infantry, however, was not long suffered to remain thus exposed; but, being ordered to quit the path and form line in the fields, the artillery was brought up and opposed to that of the enemy. But the contest was in every respect unequal, since their artillery far exceeded ours both in numerical strength and weight of metal. The consequence was, that, in half an hour, two of our field-pieces and one field-mortar were dismounted; many of the gunners were killed; and the rest, after an ineffectual attempt to silence the fire of the shipping, were obliged to retire."

"In the mean time, the infantry, having formed line, advanced, under a heavy discharge of round and grape-shot, till they were checked by the appearance of the canal. Of its depth they were of course ignorant, and to attempt its passage, without having ascertained whether it could be forded, might have been productive of fatal consequences. A halt was therefore ordered, and the men were commanded to shelter themselves as well as they could from the enemy's fire. For this purpose they were hurried into a wet ditch, of sufficient depth to cover the knees, where, leaning forward, they concealed themselves behind some high rushes which grew upon its brink, and thus escaped many bullets, which fell around them in all directions.

"Thus fared it with the left of the army, while the right, though less exposed to the cannonade, was not more successful in its object. The same impediment which checked one column forced the other likewise to pause; and, after having driven in an advanced body of the enemy and endeavored without effect to penetrate through the marsh, it also was commanded to halt. In a word, all thought of attacking was, for this day, abandoned; and it now only remained to withdraw the troops from their present perilous situation with as little delay as possible.

"The first thing to be done was to remove the dismounted guns. Upon this enterprise a party of seamen was employed, who, running forward to the spot where they lay, lifted them, in spite of the whole of the enemy's fire, and bore them off in triumph. As soon as this was effected, regiment after regiment stole away, not in a body, but one by one, under the same discharge which saluted their approach. But a retreat thus conducted

necessarily occupied much time. Noon had therefore long passed before the last corps was brought off; and when we again began to muster, twilight was approaching. We did not, however, retire to our former position; but, having fallen back only about two miles from the canal, where it was supposed we should be beyond reach of annoyance from the American artillery, we there established ourselves for the night, having suffered less during the day than from our exposed situation and the enemy's heavy fire might have been expected."

To these tribulations I shall subjoin another British historian's account of their defeat on the first of January, which, less vain-glorious, is likewise more candid, in several particulars, showing that the disorderly trepidation was greater than above confessed:—

"A long parapet, composed entirely of earth, riveted with thin planks and supported by stakes, about thirty or forty yards behind a canal ten or fifteen feet wide, covered about two-thirds of the entrenchment. Upon the high road, out of the line, a flanking redoubt; a semicircular battery in the middle, and an inverted rideau (curtain) protecting the extremity, which joined the wood. On the summit of the central work, a lofty flag-staff, from which a large American ensign constantly waved; in the rear of the breastwork, a crowd of white tents, not a few of which bore flags at the top of their poles. The American camp exhibited as much of the pomp and circumstance of war as modern camps are accustomed to exhibit; and the spirits of its inmates were kept continually in a state of excitement by the bands of national music. How different was the spectacle in the British army, without tents, without works, without show, without parade, upon the ground! Throughout the whole line, not more than a dozen tents were erected, and these, which consisted only of pieces of plank torn from the houses and fences near, furnished but an inefficient protection against the inclemency of the weather. . . . No band played among our men, nor did a bugle give its sound, except to warn the hearers of danger. On the contrary, the routine of duty was conducted in as much silence as if there had been no musical instruments in the camp.

"The object of bringing up cannon from the fleet was to enable the artillery and engineer-officers to try the effect of a scheme, which they suggested, regularly to breach the enemy's lines; and they undertook, provided proper dispositions were made, to silence their batteries in three hours. To erect the batteries, detachments from each brigade threw aside their arms, and worked in the dark all night. Every one, officers and men, wielded a spade or pickaxe, knowing, as well all knew, that we worked for life and death. Long before the first streaks of dawn, thirty pieces of heavy ordnance were in readiness. Never was any failure more remarkable or unlooked for. The sun, as if ashamed to shine on our disgrace, was slow in

making his appearance. . . . By and by, the enemy's salutations gradually surpassed our own, both in rapidity and precision. . . . The enemy's shot penetrated the sugar-hogsheads, imprudently rolled into our parapets, as if so many empty casks, killing our artillerymen in the very centre of their works. . . . After not more than two hours and a half firing, our batteries were all silenced. The American works remained as little injured as ever, and we were completely foiled. . . . As our fire ceased, they directed theirs at the infantry in the rear. Our men were commanded to lie down; but even thus all the shot passed not harmless. . . . The promises of the engineer-department were not likely to be fulfilled; the army fell back, and took up its ground again, foiled, irritated, and disheartened. . . . We were all thoroughly worn out. . . . Five guns were left behind, rendered useless, it is true, but it cannot be said that the British army came off without the loss of some of its artillery. During three whole days and nights, I had never closed an eye. My food, during all that space, consisted of a small quantity of salt-beef, a sea-biscuit or two, and a little rum; and even that I could hardly find time or leisure to consume. . . . When pork and beans ran short, it was no uncommon thing for both officers and men to appease the cravings of hunger by eating sugar taken out of the casks and moulded into cakes. . . . The confidence of success, which once prevailed on our part, manifestly abated. A line of works was begun by the Americans, on the opposite side of the river, from which they continued to enfilade our bivouac with no fewer than eighteen pieces of cannon. On their main position, likewise, they labored night and day. . . . It was understood, too, that two additional lines, in rear of that before us, were in progress of completion." [Such was the effect of Jackson's camp or station of men without arms to rally on.] "While rafts, boats, and vessels of all sizes and dimensions, crowded the Mississippi, and commanded the whole flat."

After the Subaltern received, on the evening of Saturday, the 7th of January, the general orders for the assault next morning, for which the troops were all to be ready two hours before daylight, though "danger had been too long familiar with him not to have lost most of its terrors," he "was not ashamed to confess that he felt, that evening, more singularly oppressed, not with alarm, but with awe, than I recollect ever to have been under similar circumstances. The society of my brother-officers was not agreeable, and I walked away alone, having striven in vain to divert my melancholy."

Such circumstantial and graphic British confessions render it superfluous to add much American description of their defeats on the 28th of December, 1814, and first of January, 1815. During the last night of the expiring year, they con-

tinued, with great labor, difficulty, and alarm, to raise batteries, within six hundred yards of Jackson's lines, from which next day to make a breach in them, if possible, and then by assault to force their way through. The dawn of New Year's day began with a thick fog, so that it was impossible, till eight o'clock, to see any thing. Meantime, while the Americans were gayly saluting the approaching day, their enemies were clandestinely at work in the dark, busy with preparation for the storming. The infantry and other troops for the assault were drawn up in parallel lines, between the batteries and behind ditches, sheltered from American fire, there to await the order to emerge, advance, and rush on our entrenchments. Regular soldiers, by judicious evasion, are often saved from danger, which inexperienced troops are ignorant how, perhaps ashamed, to avoid by concealment. As soon as the horizon lighted up, two twelve-pounders on the road, eight eighteen-pounders, with carronades in the centre, and eight heavy guns, with carronades toward the wood, opened a tremendous burst of fire, with clouds of Congreve rockets; and, for a couple of hours, the British artillery was served with great quickness, uproar, and some execution. Macarty's house, in which Jackson had his head-quarters, was pierced, in less than ten minutes, by more than a hundred balls, bombs, and rockets, knocking bricks, splinters of wood, the portico, and furniture to pieces, in all directions, and compelling the general's staff to evacuate so untenable a station, where however no one was hurt. He was not himself in the house at the time, having gone, with the first gun, to the lines. The attempt to destroy him, by that fire on the dwelling where, from deserters, the enemy were informed he might be found, was not, perhaps, conformable to those principles of military forbearance which have been repeatedly invoked by the British officers, whose histories are before quoted, for the protection of their sentinels, piquets, and hospitals, from molestation. War is an effort to do each party as much harm as possible, and, within certain bounds of mischief, the more destructive, certainly the more conducive to peace.

Hogsheads of sugar, rolled into and stood upright, formed

part of the British batteries; and cotton-bags, in the embrasures, were used in Jackson's lines. But neither of those staples of that region proved as effectual as subsequent impression has erroneously ascribed to them. The sugar-hogsheads were easily perforated by cannon-balls, which also scattered the cotton in all directions. The British batteries being on ground several feet lower than the American lines, had thereby an advantage: and being separated, in detached places, were less palpably exposed, than the long continued line of our entrenchments, to point-blank shot. But they were never fired with the precision of our artillery. Many of their shots passed over Jackson's lines, killing and wounding some of the few sufferers as they were entering or leaving the camp. When the rockets set fire to a couple of artillery-caissons, one of which contained a hundred pounds of powder, and blew up, with great noise, the British suspended their volleys, while all their men at the batteries and in the ditches rent the air with triumphant hurrahs. But, as on a like occasion at Fort Erie, of which an account is given in another volume of this Sketch, the whole American line, from end to end, instantly responded with unanimous fire, and still heartier cheers; from that time, the British fire began to slacken; and their officers were soon convinced that, unless Jackson could be taken in flank, he must have another victory. About ten o'clock, the body of sharp-shooters, before mentioned by the British Subaltern, tried the wood on the left, to ascertain if our line might not be turned there; where, the Subaltern says, they found the ground firm, and could easily have carried the American lines by assault. But his superiors thought otherwise. Jackson had stationed Coffee's riflemen there. Cutting down the under-wood for thirty or forty yards in front, they built a breast-work of it, over which they could discover the enemy's approach, and where, on the logs and brush, those hardy mountaineers resided several days, raised by such dwellings above the water below them, and, like beavers in their dams, industriously guarded their amphibious abode. The riflemen thus stationed to support our artillerists, and prepared to repel any attack that might be made in that quarter, the British com-

manders felt that, in a forest of cypress-trees three hundred miles long and knee-deep with mud, tangled with thickets, the best British sharp-shooters would be no match for Western riflemen, rejoicing in such repose, and having so many days and nights harassed and perplexed their invaders. Forests of impervious morass, longer than the whole island of Old England, covered with cypress-trees and teeming with laurel-bushes, constituted Jackson's flank on one side, with the prodigious Mississippi on the other. Stupendous nature and the genius of American liberty confounded European philosophy: and, though in 1814 it would have been rash to aver, can it be boastful, in 1852, to pronounce Jackson's untutored capacity as superior to that of the British commanders he vanquished, not more by arms than arts, as the Mississippi to the Thames, or the vast wilderness skirting it to Windsor forest? — By noon, so many of his assailant's cannon were dismounted that, soon after, they abandoned two of their three batteries; while so sustained and overpowering was the American fire, so entire, unhurt, and unapproachable their still imperfect entrenchments, that General Pakenham was forced to retire from his second attempt more hastily than even from his first. His batteries were dismantled; regiments, one by one, *stole away*, as one of their officers states; and, though he avers that seamen bore off the cannon *in triumph*, yet, when our people went out the next day, as several parties did, without apprehension or molestation, to examine the battle-ground, they found there barrels of powder, large quantities of cannon-balls and artillery-implements, shattered carronades, and broken naval gun-carriages, — the demolished remains of discomfiture, abandoned, in flight, by those who triumphed only by escaping. So entirely reversed, in the week after the British arrival on the 23d of December, and before their final defeat on the 8th of January, was the moral of both armies, that Wellington's veterans were dwarfed to timorous militia, and Jackson's militia raised to well-trained veterans. A week of intense, desponding, and useless labor followed, preparatory to the catastrophe by storm — the only alternative left, all other resource being exhausted. Deceived by their Spanish

spies and other traitors, disenchanted of American submission, disappointed by their own scientific corps, half-frozen, and half-starved, they were more than half-beaten by the three defeats which produced the fourth, and which are not, with any justice, to be undervalued by its greater enormity of slaughter.

The incessant fire maintained from Jackson's lines, from the water and from the other side of the river, gave the enemy no rest day or night, broke their slumbers, tormented their workmen, and absolutely prevented their reconnoitring. Whenever they attempted to raise a battery, or any number of men appeared together, grape-shot dispersed the group, and cannon-balls damaged the work. Their piquets and sentinels cowered and hid in continual terrors. Such was their dread of the deadly rifle, that they hardly ventured to station piquets near, or enter the thickets. If they made a fire in the cold night air, it attracted shot like lightning by the rod. They could work only by night, and then without either fire or light. While our people were constantly abroad in reconnoitring parties, singly and in detachments, the British were confined to their holes, and there continually assaulted. At last their working parties were protected by an officer who stood above the men at work, to watch the flash of our guns, and then, stooping down, gave the men orders to dodge. Ridges or shoulders of earth, in successive rows, were raised to enable them to work safely behind the last embankment. While Jackson's men gloried in the mire, Pakenham's burrowed, groaning, under it, in ditches and behind levees, all the time in terror, and, after three defeats in one week, extremely discouraged. The weather was more trying to them than to our people. Their black troops were almost petrified by cold. All supplies must be fetched from afar. Their naval and military chieftains were believed, at length, to be discordant; Pakenham deeming assault by day too hazardous, which Cochrane tauntingly said he would make with his sailors, and carry Jackson's lines with pistols and boarding-pikes. Discord was added to dismay in the British camp, while a single iron will, and that, although wary and forecasting, even to uneasiness within

itself, yet, uttering nothing but assurances of victory, wielded and inspired the American force.

While Jackson, with sleepless anxiety to hold and continue the advantage endeared so nobly by the three preliminary conflicts, was watching and trying to guard a hundred avenues, and incessantly working at his lines, the militia of Louisiana, soon followed by those of Kentucky, were hastening to his succor. On the 30th of December, Major-General Villeré, who commanded the first division of the State of Louisiana, returned from the Acadian coast, whither he had been to forward their coming, and announced the approach of 300, who arrived next day. Major-General Thomas, who commanded the second division of that State, arrived on the first of January with 500 more from Baton Rouge. Next day, General Adair came in advance, to forward the Kentuckians, whom he left at La Fourche, and who reached New Orleans on the first of January; 2250 men under another Major-General Thomas; but mostly without arms. On the 5th of January, 750 of them, but only 550 armed, were stationed at the lines, near the river. Unpardonable negligence in sending arms from Pittsburg, deprived two-thirds of the Kentucky troops of them. The rest, badly provided with weapons, under command of General Adair, took part in the battle of the 8th of January. But most of those brave men Jackson was constrained to station, without arms, at a post he established near the city, two miles behind his fortified lines, where the unarmed men might be used at least as a demonstration of numerical strength, and in that way act upon the enemy's apprehension, if not practically resist them. At that second station, therefore, a considerable number of unarmed militia were exhibited, as a rallying point in case Jackson should be compelled to retreat from his lines, and as a show of force or reserve, which actually had no force. Omission to provide New Orleans with arms was an unpardonable offence. Jackson was, however, not more deficient in arms than the defenders of Paris, when first captured by the allies. Arms were *ordered* from Pittsburg to New Orleans, but not *forwarded*. That is to say, as appeared by the trial of Maples, the government

agents refused to give the seventy-five cents, which would have been the price per hundred weight, if sent by steamboat, and chose to have the arms shipped by boats without steam, at fifty cents per hundred weight, with leave to the freighters to stop and trade by the way down the rivers. I believe it is a fact that twenty-five cents a hundred, thus saved in transportation, which would not probably amount to one hundred dollars altogether, was the scandalous reason why the Kentucky and Tennessee militia, many, if not most of them, arrived and served at New Orleans without arms. Republican economy is sometimes reckless extravagance. Though, at that moment, government was almost penniless, still, there were individuals enough, in both Kentucky and Tennessee, who would have paid the transport by steam, which government agents shamefully failed to do. With the cavalry to cover his retreat, if compelled to fall back from his line, and the numbers at the second camp ready to receive his retreating troops rallied there, Jackson hoped to make another stand at that point, where the cavalry were to check the advance of the enemy, and thereby give him time to marshal his men for further conflict. Some of the Kentuckians had fowling-guns, but not muskets or rifles. Many of the Louisiana militia were also without arms. Colonel Josiah S. Johnston supplied his regiment with muskets, for which he advanced the cost. To prevent its being known to the enemy, or in his own fortified camp, or in the city, that the men at the second position were without arms, the strictest measures were taken to prohibit any one, without special permission, going from the city to either of the camps, or from either of them to the city. To prevent any one going from Jackson's forces to the enemy was also severely interdicted, and hindered as much as possible. But a soldier, nevertheless, contrived to desert from the lines, on the 6th of January, by whose treacherous revelations the British assault of the 8th of January was supposed to be directed on what he reported, and led the enemy to believe, the weakest part of our position.

On the 6th of January, 1815, General Lambert, from England, arrived at the British camp with the 7th and 43d regi-

ments, each 800 strong, and fine soldiers. Large bodies of sailors and marines were added from the shipping; and, on the 7th of January, 1815, Pakenham was at the head of more than 14,000 men in arms. In Wellington's official despatch from Waterloo, General Lambert is soon after particularised as having, on that great occasion, especially deserved the favor of his monarch. The British forces, of which he commanded the reserve, when the enemy attacked Jackson on the 8th of January, 1815, as far as can be ascertained from unofficial, but many other credible sources of information, were the 4th regiment, 750 men, Lieutenant-Colonel Brooke; the 7th, 850, Lieutenant-Colonel Blakeney; the 14th light dragoons, 350, Lieutenant-Colonel Baker; the 21st fusileers, 900, Lieutenant-Colonel Paterson; the 40th, 1000, Lieutenant-Colonel H. Thornton; the 43d light infantry, 850, Lieutenant-Colonel Patrickson; the 44th, 750, Lieutenant-Colonel Mullen; the 85th light infantry, 650, Lieutenant-Colonel Wm. Thornton; the 93d Highlanders, 1100, Lieutenant-Colonel Dale; the 95th rifle corps, 500, Major Mitchell; the 1st West India regiment, 700, Lieutenant-Colonel Whitby; the 2d West India regiment, 700, Lieutenant-Colonel Hamilton; 350 of the 62d regiment, 1500 of the rocket brigade, artillery, drivers, engineers, sappers and miners; 1500 marines, and 2000 sailors; altogether, some 14,450 men, with staff enough for an army of 50,000. Recent and long experience familiarised both officers and men with all the necessities of military life. Completely equipped, provided, and accomplished, they came from Europe to America to finish a career of triumphs, glory, and undeniable superiority. The four generals were in the prime of life; all of approved courage. Lieutenant-Colonel Dixon commanded the artillery; Lieutenant-Colonel Burgoyne, the engineers. The adjutant-general was Lieutenant-Colonel Stoven; Lieutenant-Colonel Bell, the quarter-master general; Mr. Saone, purveyor-general; Mr. Hunter, paymaster-general; Mr. Moody, commissary-general. Dr. Robb was inspector-general of hospitals, assisted by Dr. Thompson. I do not know whether Colonel Burgoyne was the son of the general who surrendered at Saratoga. One of these troops, Admiral Codrington, commanded

the combined English and French fleets, which destroyed the Turkish at Navarino. Admiral Napier, now commanding the British Channel fleet, was captain of a frigate in that expedition. Delacy Evans, who commanded an illegal English expedition to assist the pretender in Spain, in 1840, was a lieutenant of dragoons, wounded before New Orleans. But, excepting these few names, I am not aware of any of all the British aspirants for glory there, in 1814, '15, who have a place in history: so sparing are the annals of fame. Jackson not only eclipses them all, but, of them all, is the only one historical. The British army was, however, in all respects well officered and provided, led by experienced commanders, fresh from fields of distinction. The troops were so confined in Louisiana by rivers, morasses, and forests, that desertion was difficult; the usual diminution inconsiderable, by absence of numbers from actual service, under various pretexts, and the commander-in-chief had the whole within his grasp, to wield as he thought proper; 14,450 fighting men; all (except the two black regiments, who, though benumbed by cold, were still fit for many important duties) capable of great exploits. There was scarcely a battle in Spain where some of these veterans had not distinguished themselves; Talavera, Albufera, Badajos, Salamanca, Vittoria, Busaco, Ciudad Rodrigo, and thence to Toulouse, where Wellington's numerous victories effected his entrance into France; from Marmont to Soult, having vanquished nearly all the French marshals. The 85th, Colonel Thornton's regiment, with Bladensburg proudly and deservedly engraved on their coat of arms, but which had not been distinguished till by the capture of Washington, was the least celebrated of the twelve regiments, and other forces, naval as well as military, concentrated before New Orleans. Their checks and mortifications of the 23d and 28th of December, and 1st of January, disconcerted rather the responsible leaders than the well-disciplined soldiers, still fiercely unsubdued, who reproached their commanders for not leading them to storm the American lines, much less formidable than many they had carried by assault, and which every hour's delay enabled their round-hatted enemies, whom they had been taught

to despise, to fortify, with redoubled danger to the assailants. Their commander-in-chief, Pakenham, was of a noble Irish family, brother to an Earl of Longford, and brother-in-law of the Duke of Wellington, which probably influenced his selection to lead the American expedition, instead of Wellington, for whom it was proposed. But Pakenham owed his lieutenant-generalship not to family or favor, but earned it in many hard-fought fields, and, in the prime of manhood, commanded the finest British army ever defeated in America; superior to Burgoyne's at Saratoga, Cornwallis's at Yorktown, and Prevost's at Plattsburg. Unlike those predecessors in misfortune, Pakenham felt no confidence in his success. On the contrary, he did not hesitate to avow his disappointment and mortification at the condition in which he found the army he was to lead, whose whole encampment among the sugar-houses, as soon as he joined them on Christmas day, were made acquainted with their leader's angry apprehensions. Surprised and worsted in their first position, before they had slept a night there, no less than 5000 aggressors had destroyed 500 of their best men, and struck the rest with amazement, if not awe. That number, General Keane assured his superior, broke into the British camp on the night of the 23d; and how many more Jackson had behind them, no one knew. But General Keane's personal, confidential account of his misfortune to General Pakenham was no doubt at least as alarming as the official report concocted between the two generals, for publication, of the disasters with which their operations began. And what was their predicament? Hemmed in upon a narrow tongue of wet ground by a vast, rapid river on one side, and boundless, impenetrable morasses on the other, both belted by immense forests, the British army had no retreat; for there were not boats enough attached to the whole fleet to hold one-third of them at a time. Penned in a blind alley, eighty miles from their supplies, they had no option but to go forward and capture New Orleans, or be captured themselves. The few neighboring plantations soon exhausted of what little meat or other provision could be got from them; the earth so spongy that, two feet below the surface, water was the basis; the weather

extremely severe, wet, chilly, changeable, and unwholesome; the soldiers without tents, huts, or covering — the army was in jeopardy. Sir Edward, as the English styled their commander, promised to do all he could to rescue them, but he augured ill of the result. As retreat was hardly practicable, and would be disgraceful, he must do his best to take the city. But, as another English chronicler, who did not arrive till the 6th of January, 1815, published some time after, "General Jackson had shown his profound military and naval skill, as a gifted tactician, on the night of the 23d, by counter-manceuvring, and putting the reserve of the British to the very acmé of disorder, before their front was attacked; a victory which was only lost to the American general owing to the individual bravery of the British veteran troops over his raw levies. General Jackson, throughout those operations, displayed the art of the engineer, wielding the weapons of war with vigorous decision." "Instead of that," said the same English officer, "indecision trammelled the movements of the British generals, who, instead of repairing Keane's primary and capital error, by instantly marching on the city, assaulting and carrying Jackson's miserable mud ramparts by the way, set themselves down to *besiege a schooner*, while Jackson was allowed to fortify his lines with indefatigable labor and consummate skill. The wretched abortion of the 28th of December," the same English complainant says, "was softened, by technical phraseology, to the army and their country, as a mere *reconnoissance*, when it was but too severely felt as a sanguinary repulse;" the American cannon destroying nearly all the men at the British guns, and the round-hatted Yankees so elated as to be almost inclined to a sortie, when they saw the backs of the red-coats. In vain Admirals Cochrane, Malcolm, and Codrington, Captains Hardy, Trowbridge, and Gordon, with other naval commanders of the highest rank, assisted to bring up provisions and ammunition, and carry away the wounded and maimed. To no purpose, on the 1st of January, a whole brigade of infantry burned to be ordered to the assault, and, with loud cries, demanded why they were not led on: to their utter astonishment, no such order was given.

Ladders and materials had been brought up for the passage of the ditch; and there is no doubt that the British troops, rushing, under cover of their guns, with a few planks, would have obtained possession of the enemy's works with facility." "The most extravagant reports flew through our ranks: that the ditch in front of the American line was a canal; and behind the first line were two others [the unarmed Kentucky and other unarmed militia, stationed by Jackson in terrorem]; the edge of the ditch was proclaimed with the high-sounding title of a glacis; the numbers of the Americans were highly exaggerated [another of Jackson's stratagems]; the fortifications had existed before the troops landed at all; and, to crown all, desertion began from the ranks of his Britannic majesty's troops to the enemy." "At last," adds this bold captain, with an honest and perhaps just sneer, "the British general considered that the American barricade was too strong to attack in front, with his present force, therefore science was resorted to.—This was the state of things fifteen days after the first landing of the British troops."

Pakenham's memory has been aspersed by an imputation, originating with a gentleman eminent as a judge and senator of the United States, Mr. George Poindexter, by whom the watchwords "Beauty and Booty" were ascribed to him. Generals Lambert, Keane, Thornton, Blakeney, and Dickson, who were with him at New Orleans, published, in 1833, a denial of that imputation. Still, the name of the unfortunate Pakenham has been the theme of many coarse vulgarities in this country. No just American can deny his gallantry and heroism. But justice does not allow of eulogy to his generalship, which, I think, clearly indicated that, however brave and noble, he was incapable of the great trust which probably Wellington's influence procured for him.

On the 7th of January, 1815, General Lambert reviewed the two gallant regiments, landed with him the day before—1700 bayonets, every one of which had bristled over conquered French troops in numerous battles. "General Jackson," says our British witness, "had shown himself a general of the first class, both in attack and defence, since

his first surprise. And although so far the Americans possessed the most consummate and able tactician, still the British general commanded the best troops, as they had shown themselves to be on the very ground they now stood upon. For discipline and brilliant feats in the field, their conduct could not be surpassed. Their ranks were composed of veterans from Great Britain and Ireland, the very elite of all his Britannic majesty's dominions; men, who, like the Romans of old, had travailed with pick and spade at trenches and batteries, fought sanguinary battles in the plains on the Nile, and scaled the mountain-side, crowded the deadly breach, topped the ladders of escalade, forded rivers under hostile balls, fought and starved and starved and fought: if they had not been in fight before, they were sufficiently baptised at the two whole days' feints before the American barricade." At the review of this reinforcement, General Pakenham was not present. "The men, who inquired why their commander did not appear, were told that he was up a tree, in a pine wood, examining the works of the Americans." At the same moment, General Jackson was on the top of the house in which his head-quarters were, with a telescope, examining the movements of the British, then obviously preparing for the assault next morning. "The music played," says one of them, "the vapor of the swamp had cleared off, the sun shone brilliantly, and the officers and soldiers of the two regiments just come were in the highest spirits at the near probability of their being led on to the assault."

During the first week of the year 1815, a fortnight after the treaty of peace was signed at Ghent, and had been some days on its passage from London to Washington, the two armies at New Orleans diligently prepared for desperate conflict. The British had found, by two abortive efforts, that the Americans were impregnable on the swamp-flank, and probably in front — at any rate, without assault from the other side of the Mississippi. Which was to be the main attack, and whether that against the battery over the river was not to be effected before Jackson's lines were attempted, is not quite certain, from all the British disclosures. The British

Subaltern publishes expressly that the orders were for "a general assault upon the enemy's lines;" but whether the assault did not take place before it was planned that it should be, is still problematical. The "British Campaign" informs us that "a new scheme was invented, worthy, for its boldness, of the school in which Sir Edward Pakenham had studied his profession. It was determined to divide the army; to send part across the river, who should seize the enemy's guns, and turn them on themselves, while the remainder should, at the same time, make a general assault along the whole entrenchment. But, before this plan could be put into execution, it would be necessary to cut a canal across the entire neck of land, from the bayou de Cataline to the river, of sufficient width and depth to admit of boats being brought up from the lake. Upon this arduous undertaking were the troops immediately employed, laboring by day and night. The fatigue undergone, during the prosecution of this attempt, no words can describe—at length, by unremitted exertions, accomplished by the 6th of January." On that day, the reader will recollect, General Lambert arrived, with sixteen hundred fresh troops. "With the addition," says the British Officer, "of a body of sailors and marines from the fleet, our numbers amounted to little short of eight thousand men; a force which in almost any other quarter of America would have been irresistible." It was not for want of men enough that Pakenham hesitated: he attacked Jackson's lines twice—once on the 28th of December, and again, the first of January—before Lambert's reinforcements arrived. The assault was put off from the 23d to the 28th of December, apparently, for fear of the armed American vessels on the river; from the 28th of December to the first of January, for heavier cannon; and then from the first to the 8th of that month, because another method of attack was deemed indispensable. But the genius of Jackson pervaded the whole procrastination,—dangerous, when the enemy, instead of surprising New Orleans, were themselves surprised, on their arrival; and fatal, when, after intervening discomfitures, having no retreat, their effort of despair was not made till too late. Our defence of Washing-

ton, not long before, and that of the French of Paris, not long after, like the British failure at New Orleans, were disasters which seemed to be the lot of those with success in hand, but losing it by their own mismanagement, or the superior talent of their enemies.

Military arithmetic is seldom trustworthy. Reckoning the British army but eight thousand men, and the American twenty-five thousand, was as wrong as General Keane's computing Jackson's two at five thousand. The assault of the 8th of January was made, counting reserve and all employed at it, by more than fourteen thousand, upon lines defended by less than four thousand, taking part in the engagement. The plan of combined attack, on both sides of the river, was undoubtedly the best, if not the only way to succeed. But the time and labor misspent in preparing for it, doomed, says the Subaltern, the British jaded and dispirited troops — "doomed them to a continuance of that system of vascillation and delay by which we had so long suffered." "Never were men so severely or so uselessly harassed as in that undertaking." Highly approving the scheme, as the only one which offered any chance of success, he adds, "But why break the spirits and wear out the strength of the troops by setting men to excavate a trench full two miles in length and six feet deep? We had dragged heavy twenty-four pounders overland from the mouth of the creek; where would have been the difficulty of transporting any number of light boats in a similar manner? . . . Toil and trouble were never so thoroughly wasted. Had a few rollers been framed, barges, gigs, cutters, and even launches, might have been run through the bog with perfect ease; and all the risks and uncertainty of artificial navigation avoided. But the chief thought otherwise. Or rather, the thought of moving boats otherwise than through water never occurred to him," for what the Subaltern calls his "gigantic undertaking." "This work," says another British narrator, "was worthy of a Roman general and the indefatigable labor of his cohorts." That hydraulic elaboration of the British commander seems to be justly condemned by one of his followers, unless Pakenham, like Hannibal scaling, or Napoleon turning,

the Alps, designed to immortalize his triumph by an immense work of marvellous labor. Perhaps, the military commander, taunted by the admiral, was goaded to an attempt which he deemed extremely perilous, and undertook with reluctance, as the British naval defeat, not long before, on Lake Champlain, was precipitated by a taunt from the military commander.

Sunday, the 8th of January, 1815, at Washington, was not kept with the Presbyterian strictness which President Jackson introduced there in 1829. President Madison's house was always open to company on Sunday; President Jackson's was closed, with entire seclusion from secular occupation. We had no tidings there, on the 8th of January, 1815, of Jackson's battle on the 23d of December, scarcely any hope of that of the 8th of January. Prayers were not put up in any pulpit at Boston, I believe, for his defeat: but it was anticipated there with assurance, if not pleasure, the morning when the British underwent their bloody overthrow. In that hand to hand, grappling, desperate encounter, wherein the nations of antiquity surpassed modern combatants, before fire-arms superseded in great measure the Roman short sword, so like the American bowie-knife, the intrepid Briton claimed, and perhaps had by superior prowess proved, his right to peculiar renown. Many of his New England offspring, in 1814 - '15, notwithstanding the events of the American Revolution, considered Louisiana the certain conquest of invincible Britons. Numerous well-educated and well-disposed Americans, moreover, deemed republicanism a visionary experiment, as they pronounced Louisiana an unjust and baleful extension of these United States. On the sugar-fields and with the cotton-bales of that erst French and Spanish province American preference for British method of government underwent iconoclastic blows from which that faith has never recovered. Overweening then in the North-east, it was nearly extinguished in the South-west. Wellnigh unanimous republican loyalty and aversion to European prepotency have since become prevalent throughout this country. An uneducated Celtiberian chieftain, supported by troops of half-armed woodmen and sugar or cotton planters, with little Anglo-Saxon blood in their veins, in spite of the

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Eastern Anglo-Saxon offspring of Old England, at the same time, crushed, in the South-west, the last English attempt to conquer or sever the United States; and, rousing the North-east from subserviency to England, saved from disruption the union of many States. Gloriously closing the savage contest which Great Britain provoked, protracted, and rendered barbarous, the closing victories rebuked disloyalty as they defeated invasion. Numbers of disaffected Americans, and still more Europeans, became convinced that government may be strong without a monarch or nobility. That conviction may be still unfounded: but it struck deep root in the events of that war, of which Jackson's victories were the last, though least expected, the most opportune and decisive.

Five miles below New Orleans, a disused mill-race extended from near the Mississippi to the cypress-swamp, along which, on the morning of the 24th of December, 1814, the Americans began to raise breastworks, about a mile long, and of various height and thickness. Thrown up in haste, in bad weather, by workmen often changed as exigencies required, and always working in mire, these entrenchments were irregular and so imperfect, that, on the first of January, they were pierced by British balls. "It was a long parapet," says the Subaltern, "composed entirely of earth, which was riveted with thin planks and supported by stakes. About thirty or forty yards in advance of it ran a canal, from ten to fifteen feet in width, ending considerably to the left of the river, whilst upon the high road, somewhat out of the line, was erected a flanking redoubt; a semicircular battery about the middle; and a third protected the extremity which joined the wood. On the summit of the central work a lofty flag-staff was erected, from which a large American ensign constantly waved. . . . The American camp exhibited as much of the pomp and circumstance of war as modern camps are accustomed to; and the spirits of its inmates were kept continually in a state of excitation by the bands of martial music. The British army presented exactly the same extent of front, without tents, without works, without show, without parade, upon the ground. Not more than a dozen huts, of pieces of plank torn from the

houses and fences near, furnished an insufficient protection against the inclemency of the weather. No band played among them, nor did a bugle give its sound, except to warn the hearers of danger. The routine of duty was conducted with as much silence as if there had been no musical instruments in the camp. It was impossible not to be struck with the contrast."

This British description is accurate enough of our lines; which, the week Pakenham consumed in cutting a canal, Jackson employed in their fortification. On the 8th of January, they were cannon-proof, except at the elbow near and along the swamp, where Coffee's men constructed their beaver-dams of felled trees and brush, at any rate musket-proof. Captain Beale's small company of city-riflemen, with a company of the 44th regiment of United States infantry, under Lieutenant Marant, were stationed at the redoubt beyond the lines, near the river, which was not begun till the 6th, and was not finished the 8th of January. The battery there was commanded by Captain Humphreys, of the United States artillery, with some of his company and Major St. Geme's volunteer-dragoons. The next battery was served by the crew of the *Carolina*, under Lieutenant Norris, of the navy. At the third battery Captains Dominique and Beluche, Baratarian privates, were stationed, with some of their mariners. The fourth battery was commanded by Lieutenant Crawley, of the navy, with crew of the *Carolina*. At the fifth battery were stationed Colonel Perry and Lieutenant Kerr, of the artillery. The sixth battery was managed by General Flaujeac, one of the Louisiana senators, with a company of Franes, under Lieutenant Bertel. The seventh battery was served by United States artillerists, under Lieutenants Spotts and Chauvau, with fifty marines, under Lieutenant Bellevue; and the eighth battery, nearest the swamp, was manned by a few of Carroll's Tennessee militia, under a corporal of the regular artillery. The ground at that end was under water; the troops were encamped knee-deep in mud. The British did not attack there, but concentrated their assault upon the centre, where Carroll's Tennessee militia were stationed, reinforced by Kentuckians,

under Adair, and against the river-redoubt. The 7th regiment of United States infantry, 430 men, under Major Peire, covered the first three batteries and a powder-magazine. From the fourth to the fifth batteries the 44th regiment of United States infantry, 240 men, under Captain Baker, were posted. Colonel Ross, of that regiment, commanded from the 7th regiment to the 44th, both included. Captains Ogden and Chauvau's troops of horse, 50 altogether, and some 30 from Attacapas, were stationed near Jackson's head-quarters. Colonel Hind's Mississippi cavalry, 150, were in the rear. 250 of Colonel Young's regiment of Louisiana militia were placed, in several detachments, on the skirts of the wood, behind the line. The American outposts extended five hundred yards in front of it; and there were sentinels all about. Jackson had 4000 men at hand: of whom 3200 were at his lines; the other 800 being distributed in various positions hard by. Constant firing from our batteries exercised and improved the men in gunnery, kept the enemy from even venturing within cannon-range of our lines, broke their rest at night, prevented their working by day at their fortifications, dispersed them whenever collected anywhere in groups, and subjected them to continual annoyance and disquiet. Morgan's battery, on the other side of the river, and Patterson's there, increased the British disturbance by enfilading fire; and their week before the last battle was as distressing from incessant cannonading as from uninterrupted labor. The soldiers were restless for relief, by rather storming Jackson's lines at any cost of life than being day and night harassed by their artillery. The officers doubted the practicability of carrying them by assault. But Admiral Cochrane suggested, and offered with his sailors to enlarge Villere's canal, and float through it fifty barges, with which to cross the Mississippi in force enough to carry the batteries on that side, and perhaps by an armed flotilla command the river up to the city. It was rumored that at a council of war Admiral Cochrane spoke disparagingly of the military endeavors at long shot to vanquish American resistance, and said that with a couple of thousand sailors, with boarding pikes, he would carry Jackson's lines. Whether

Pakenham was goaded to unwilling action by marine sarcasm, at all events, the best part of his plan, that of rendering the Villeré canal practicable for barges, and sending troops in them across the Mississippi, was the admiral's suggestion. As at Washington, the bold design at New Orleans was naval. Captain Trowbridge commanded the naval officers and seamen serving ashore with the army. But, of a long list of distinguished admirals and captains, Malcolm, Codrington, Hardy, Dashwood, Gordon, and others, the only one hurt was Captain Money, with Colonel Thornton, assaulting General Morgan's battery; both of whom were at Bladensburg. Not a sailor is mentioned among the killed or wounded, nor an officer, except one of the marines. At Washington and Baltimore, Cockburn was instigator and leader, conspicuous on all occasions, urging Ross at Bladensburg, and with him when killed at Baltimore. Admirals Cochrane and Malcolm were both with Pakenham when his battles were fought: but did not appear, like Admiral Cockburn, eager to take part in every fray. Perhaps the barges might have been taken from the bayou to the river easier by land than by an elaborated canal. But the admiral avers that the boats were all there; and, at any rate, Thornton succeeded in his enterprise. The 85th regiment, with armed sailors and marines, and the West India corps of blacks, in all 1200 men, were making the greatest exertions, during the night, to get the boats out of the canal. The canal had been cut, a thousand yards in length, broad and deep. The work was worthy of a Roman general and the indefatigable labor of his cohorts; and, had there been a breastwork thrown up behind, it would have constituted a position of ten times the strength of the lines of the Americans. Under the mask of this canal, the British general, if necessary, might have continued on the defensive against the world in arms; while feeding and succoring, from time to time, those that had already crossed the river, and within one mile and a half of the American lines, he could have debouched to attack at midday, should the result across the river prove fortunate. "There was no time to be lost," significantly adds the British Officer of the Expedition, to whom I am beholden for these reasonable

suggestions, "as the Americans, like the ancients, entrenched, barricaded, and re-entrenched, according to passing exigencies."

The battle of the 23d of December, disenchanted the confident Briton of all illusions of easy and profitable conquest, and struck him with alarming apprehensions of a formidable foe. Surprised in position, he was first worsted at close quarters. Then the battles of the 28th of December and the 1st of January demonstrated that artillery could not force the American lines. To storm them became the only remaining alternative, not resorted to till all others failed. British narratives confess that, after their third discomfiture, on New Year's day, all further attempt or hope was abandoned, except the sanguinary assault so often triumphant in Spain; and they applaud a plan of operations well conceived, partly well executed, but which resulted in the most signal and fatal of all their defeats — their bloody adieu to America.

General Pakenham distributed between fourteen and sixteen thousand fighting men, soldiers, sailors, and marines, into four columns, for the attack of the 8th of January. Colonel Thornton, with his own, the 85th regiment, the 5th West India regiment, 200 sailors, under Captain Money, and 400 marines, under Major Adair, and four pieces of artillery, was ordered to cross the Mississippi at nightfall, surprise, before day, and carry General Morgan's batteries, on the other side, which might then be opened on Jackson's forces; who were not to be assaulted by Pakenham till Thornton led the way. But, by mishap, Pakenham's attack preceded Thornton's, which was probably a derangement of the whole plan. General Gibbs, with the 4th, the 21st, and the 44th regiments, was to conduct the principal assault upon Jackson's lines in the centre, where they were supposed to be weakest, because manned by Kentuckians, under General Adair. A deserter was believed to have directed General Pakenham's attention to that point, as what the British commander considered the weakest. General Keane, with the 93d, and part of the 95th regiments, was to sustain General Gibbs. Some of the black troops were destined to skirmish in the woods. The reserve, consisting of the 7th

and 43d regiments, was entrusted to General Lambert, the only one of the four generals who survived unhurt to take part in the battle of Waterloo. One of the English narratives states that the 3d West India regiment also composed part of the reserve. The 44th regiment, which had experience in American warfare, was to carry forward the scaling-ladders and bound bundles of fagots, called fascines, made of sugar-canes, with which to fill or bridge the ditch or water-course in front of the lines, and, upon those bundles and ladders, mount the entrenchments. Not long before the British arrived, the place of and around their encampment was covered with sugar-stalks, of which the stubble still remained; the orange-trees were in their perennial bloom and fruitage, the woods were vocal with nightingales, and the lakes covered with wild fowl. To carry fascines and scaling-ladders to an assault is a perilous service, requiring the stoutest and bravest men, whose exposure is greater, and labor more arduous than others. The 44th, or East Essex regiment, commanded by the honorable Colonel Mullen, of some noble family, was charged with the disgrace of the defeat, by neglecting or shrinking from that duty. Several of the British unofficial accounts of the battle concur in that charge; some of them with positive averments of the colonel's cowardice and absence. But General Lambert's official report slightly, if at all, alludes to that excuse for a rout which most of those disgraced by it were, no doubt, anxious to impute to some scape-goat. And, although the losses of the 44th regiment, compared with others, may not absolve Colonel Mullen's from discredit, the killed, wounded, and captured of the 44th show that it suffered as much as any other regiment. If it had borne the bundles and ladders, as ordered, the result would nevertheless have been the same. The American fire was too deadly for any effectual hostile approach or access to Jackson's lines. Not more than about eighty English ever reached them; of which number one half were killed, and the rest captured. All the private unofficial British accounts, however, agree that the 44th regiment disobeyed General Pakenham's orders, and disturbed his arrangements, as well as his composure, by not carrying forward, at first, the

fascines and scaling-ladders. But one of the narratives exonerates that regiment and their Colonel from all blame for it, by an explanation which involves much more General Pakenham's self-possession and generalship than Colonel Mullen's courage, or the misconduct of his regiment, who certainly were in the thickest of the conflict, and suffered severely.

Two days before the assault, Jackson was warned of, and prepared for it, by his sleepless vigilance, and some of the good luck which never forsook him. Deserters apprised him of General Lambert's arrival, on the 6th of January, with a considerable reinforcement. On that day, sailing-master Johnson, with three boats, captured a British brig on Lake Borgne, with ten prisoners, from whom he ascertained that the enemy were digging out Villeré's canal, for boat navigation. Commodore Patterson, after these disclosures, went down the Mississippi, and from the bank could perceive, with his glass, the British movements on the other side; which, on the 6th and 7th of January, were also discernible with a telescope fixed in the upper part of Macarty's house, where Jackson had his head-quarters. Both sides of Villeré's canal could be seen thronged with soldiers, drilling and exercising. Sailors were dragging boats through it. The whole camp was in operation. A supernumerary staff were bustling about, giving orders to troops much less confident than when they first landed; less orderly and more noisy than those less disciplined, behind Jackson's rude entrenchments; where one supreme will reigned, while the British general, disappointed in the predicament in which he found his army, and perhaps goaded by the admiral, was hastening its extrication by desperate, though dilatory, yet premature and imperfect transaction. The work on the canal was extremely arduous. Still, the excavation was not complete; and when Thornton marched down to the river, his official report states that he found but one-third of the expected transportation. But Admiral Cochrane's official report declares that "The canal was widened and extended to the river, and about fifty barges, pinnaces, and cutters, having, on the day of the 7th, been tracked, under cover, and unperceived, close up to the bank, at night the whole were dragged

into the Mississippi, and placed under the command of Captain Roberts, of the *Meteor*." The vanquished were naturally anxious to excuse or explain their misfortune; for which various causes are assigned by the official and historical accounts of the expedition. But, though Colonel Thornton states that he had not more than a third of the force he was promised, as Admiral Cochrane declares that all the promised boats were ready, which is to be believed, the army or the navy? Both army and navy were fatigued, disappointed, and discouraged. The easy and lucrative conquests expected had proved extremely hard work, hard fare, and poor promise. The navy were mere laborers for the army. On the lake, in the fields and ditches, wherever the British flag floated, both navy and army felt Saturday night spread its misty, chilly, and insalubrious pall over an uneasy, discontented multitude, more apprehensive than sanguine of the approaching Sabbath's performances. About midnight, the riflemen stole noiselessly out, to take their isolated stations along the front, in Indian file, while some hundred infantry were set to work, in the dark, at an unfinished battery, about seven hundred feet from Jackson's lines, where water met their spades a few inches under ground, on the same spot where, twice within a few days before, British veterans had recoiled from the showers of shot, and were again to be exposed, as soon as daylight rendered them visible to point-blank gunnery from Jackson's lines, and cross-fire from the opposite side of the mighty stream that rolled by their camp. Every night and day of their uncomfortable sojourn had been continually disturbed by cannonade. And, according to the confessions of all those who suffered in that campaign, dismal dreams and forebodings haunted their partial repose the night before so many were slain, maimed, or reduced to captivity.

"In my encampment," said Jackson's exulting official report of the 9th of January, "every thing was ready for action." Expecting to be attacked at the same time on both sides of the river, he felt able to repel the enemy; and desired the encounter, without further delay, while his raw levies, flushed with recent and constant successes, were still unani-

mously ardent for another and final trial. As soon as it was certain that the enemy would attack on both sides of the river, reinforcements were sent to General David Morgan, who commanded 800 Louisiana militia on the other side, most of whom, in the course of the 7th of January, he stationed at a battery hastily raised, where, and as Major Latour, the engineer-officer, sent by Jackson to select a position, did not consider the best, having despatched 100 men, under Major Arnaud, of the 6th regiment Louisiana militia, to go down along the river, look out for the enemy, and oppose their landing, armed with only fowling-pieces, loaded with cartridges which did not fit their guns—some of them without any arms. On the evening of the 7th of January, 500 Kentuckians, under Colonel Davis, were ordered across the river, to reinforce General Morgan, of whom, for want of arms, only 180 could be sent, who did not reach the opposite shore till the morning of the 8th; and then, without rest or refreshment for a long time, were despatched, in the mud, to support the Louisiana militia further down the shore, under Major Arnaud.

Saturday afternoon, the 85th regiment, some 350 men, in fine order, headed by their gallant colonel, Thornton, an amiable Irishman, moved from their quarters, through the rest of the British forces, to the bank of the Mississippi, to embark at dusk, with the before-mentioned detachments of sailors and marines. They were to embark at nightfall, so as to reach the opposite shore before midnight, to surprise and capture Morgan's and Patterson's batteries, turn them on Jackson's lines, and so introduce Pakenham's direct assault on the other side. Not distinguished, but rather the reverse, in Europe, the laurels of the 85th regiment were of American growth. With Bladensburg on their arms, and proud of their capture of Washington, Thornton led his regiment to the river-side, superciliously regarded by the Peninsulars, as most of their comrades were entitled, from distinguished services in Spain. But, on that day, the renowned Peninsulars were totally defeated, while the heroes of Bladensburg were the only British conquerors. Such are the fortunes of war. The difficulties of getting the boats into the river, and over it, were more than

had been expected, as all the British accounts agree. According to Colonel Thornton's report, they were insuperable. There was not water-conveyance, he said, for more than half of his force; nor could that reduced number be taken across the river till several hours after the time appointed. Captain Money with difficulty kept the boats together. The current was strong, and forced the expedition down the stream. The troops could not be landed till daylight; nor then at the proper place. They got ashore, however, unperceived and unopposed by our people. But Pakenham's patience was exhausted, and his plan deranged, before Thornton touched the opposite shore. Instead of being first, he was the last in action. Pakenham's artillery flashed upon Thornton loud intelligence that he was, if not too late, at any rate bound to make amends for lost time, by bold, rapid, and decisive movements — as he did.

General Morgan had an ill-stationed battery — Commodore Patterson a better one; and Major Arnaud, of the Louisiana militia, commanded a detached piquet, behind a bridge, secured by a small work, hastily thrown up the night before. But whether he thought repose indispensable for his few ill-armed men, some of them without guns, and all with only fowling-pieces, or that there was no danger at hand, they were suffered to fall asleep — the whole detachment, with but a single sentinel awake; and, in that unlucky slumber, were surprised, roused, and put to flight, by Colonel Thornton. Apprised, by the cannonade on the other side, that he was late, that energetic officer pushed impetuously forward, Captain Money, with his three gun-boats, flanking the march ashore, and enfilading the Americans with grape-shot from his carronades.

The battle was lost and won, on the other side, before Thornton's attack took place. Urged by what he heard over the river, after quickly overpowering Arnaud's small forces, Thornton, pushing along the bank to attack Morgan's battery, soon came up with the Louisianians and Kentuckians, posted together behind one of the many mill-races with which the region abounded. He attacked. They repelled. He was renewing the attack, when General Morgan's aid-de-camp,

apprehensive that our people would not stand the assault, impetuous by the troops, and warmly seconded by the gunboats, ordered a retreat, which instantly took place, in confusion; nor could its bad effects be repaired at all. Terrified and tired, the militia, falling back on Morgan's battery, were posted by him at his untenable position, one flank towards the swamp allotted to the exhausted and unnerved Kentuckians, who were soon turned by the British, and fled. The Louisiana militia, after a volley or two, also fled, under a shower of rockets which set the sugar-stubble on fire. A burst of rockets, acting on the fears, without hurting the bodies of our militia, as at Bladensburg, put them again to flight, notwithstanding all that General Morgan and some of his officers could do to rally and encourage them. The whole force, some 1500 men, ran away from about 800 assailants, leaving all their sixteen cannon and redoubts, and the colors of one of the regiments of Louisiana militia, in the hands of the conquerors. There again, too, as at Bladensburg, but one or two Americans were killed or wounded, while a considerable number of the enemy were destroyed, in the encounter on that side of the river. Colonel Thornton, hardly recovered from his bayonet-thrust near Bladensburg, was severely wounded, as also Captain Money.

Commodore Patterson and Captain Henley, from a battery directly on the bank of the Mississippi, mounted with heavy guns from the ship *Louisiana*, and manned by a few seamen and militia, had kept up a destructive fire on the English across the river. But, deserted by the main force at Morgan's battery, all the naval men could do was to prevent their heavy guns being turned by the victors on that side against the victors on the other side, and thus snatching all the fruits of one victory, when completely won, by the counteraction of another. They therefore spiked the cannon, and threw the ammunition into the river, before they abandoned a position which had been very useful, and might, but for that precaution, have been extremely injurious to Jackson, whose triumph Morgan's rout jeopardized. If Patterson had not disarmed his battery, it might have been made by Thornton as fatal to us as it was.

made by Patterson injurious to them. The enemy, for several hours, had undisputed command over against Jackson's entrenchments, and not far from New Orleans. Jackson's self-possession, and Lambert's demoralization by the total overthrow of the British army and downfall of three of their four generals, might not have saved the day, but for stratagem, often as profitable as force in warfare. Before Thornton succeeded, Pakenham was killed, Gibbs mortally, Keane severely wounded, and Lambert could not, if he would, rally the survivors of the terrible carnage of little more than half an hour's conflict. Still, it is hard to say what might have been the issue of the duplicate and diversified engagement on the opposite sides of the Mississippi, had not Thornton been deprived of artillery, and Lambert, during suspension of arms, outgeneralled by contrivance. The sensation of disappointment, alarm, and indignation, was intense, on the one side, when it was known, as was universally believed, that cowardly flight on the other had endangered, probably undone, all the American success. "Ten armed boats, with carronades in their bows, floated on the waters of the Mississippi, and forty more boats were ready to follow them, if necessary, and batter the whole right bank of the Americans, to the very portals of New Orleans, who did not possess a flotilla to engage them," says the Narrative of a British officer present. "The British troops swept the right bank of the Mississippi, and were ready to move on within eight hundred yards of New Orleans, and might on that side have built another city of the same name, if so inclined. General Jackson had lost more than half his artillery, and his troops were in the utmost dismay and confusion within his lines," &c. "Had all the generals brought their troops into action like Colonel Thornton and Lieutenant-Colonel Rennie, a most brilliant conquest would have crowned the enterprise, and closed this bloody war by an achievement as worthy of record as it is now unworthy." Such British speculations attest the extreme peril to which our cause was brought by the loss of Morgan's and Patterson's batteries over the river.

All the official despatches charged the mostly gallant, though vain-glorious, Kentuckians with shameful cowardice. "I had

the extreme mortification and chagrin," was Commodore Patterson's responsible report of the action, "to observe General Morgan's right wing, composed of the Kentucky militia, commanded by Major Davis, abandon their breastwork, and flying in a most shameful and dastardly manner, almost without a shot; which disgraceful example, after firing a few rounds, was then followed by the whole of General Morgan's command." To which General Jackson's more polished, but not less pointed, censure added, "At the very moment when their entire discomfiture was looked for with a confidence approaching to certainty, the Kentucky reinforcements, on whom so much reliance had been placed, ingloriously fled, drawing after them, by their example, the remainder of the forces, and thus yielding to the enemy that most formidable position." In an eloquent address to the soldiers on the right bank, which he found time during the busy 8th of January to compose, Jackson ascribed their misconduct to insubordination, which he denounced as being as fatal as cowardice, and which, he assured them, he would punish as severely.

Alleged recreancy of the Kentuckians, on that occasion, became a public topic, much contested, which, even at Washington, made its impressions. The President sent to Congress, informally, before its official promulgation, Jackson's despatch, for our gratified perusal. Some of us supporters of the war were invited into a committee-room to hear it read; among the rest, General Desha, of the Kentucky delegation, a stout, rough, frontier militia-officer, of fierce countenance and fiery temper, to whom fear was the most debasing of all human infirmities. His local prepossessions were vehemently offended by disparagement of Kentucky volunteers, whom he esteemed much more reliable than mercenary soldiers, disciplined, by officers in regimentals, to the grovelling tactics of regular troops. The explanation of the Kentucky precipitate flight, which was undeniable, was, that, half-famished, jaded, and not recovered from the emotion of another retreat, the Kentuckians were placed in a position entirely unprotected and easily turned, whence hasty escape was hardly censurable. But some

Kentucky dislike of General Jackson, from that occurrence, never ceased.

Alternate watches of our men relieved each other, during the night between the 7th and 8th of January; General Jackson and his officers were at their posts two hours before day; and every body cheerfully awaited the anticipated assault, in that spirit which is much more anxious and less sustaining than after conflict animates combatants. It was, as usual, a foggy night; the river was invisible; but the works of preparation in the British camp were plainly audible in ours; and the cannonading began before either party could see the other. Before Thornton had reached the other shore, for which the boats were pulling with all their might, with muffled oars, between nine and ten thousand men were marched out, under Pakenham, Gibbs, and Keane, to their appointed stations; and, till the first British cannon boomed over the plain, ensued an interval of intense and fearful suspense. No signal or sign of Thornton's attack came over. An advanced battery of six eighteen-pounders, clandestinely and hastily finished during the night, about eight hundred yards from Jackson's entrenchments, was manned; the men's tools were thrown down; and the whole army, under arms, in silent and tremulous anxiety, looked for daylight and the signal for onset. Pakenham, impatient, if not nervous, without tidings from Thornton, just as day dawned, ordered the signal-rocket, which shot upward. The British battery opened its fire; the Americans instantly reposted, while yet a veil of vapor still shortened the horizon, and neither party could see as far as the other. The roar of artillery broke forth, and the battle began, but not as had been preconcerted. Instead of Thornton's arranged co-operation, Patterson's battery, from that side, played on the British, whose whole movements, from first to last, according to their own accounts, official and historical, were both hasty and slow, confused and terror-stricken.

It was a chilly, and, according to all British recollections, a dismal night. One of them, after describing the stealthy departure of their riflemen in the dark, silently gliding past the right of the temporary battery, to take up their ground, form a chain of

outposts, watch the American lines, and be ready to open their fire at daybreak — adds, “I do not remember ever looking for the first signs of daybreak with such intense anxiety. The dew lay on the damp sod, the soldiers were carefully putting away their entrenching tools, and laying hold of their arms, to be up and ready. The morn was chilly. I augured not of victory. An evil foreboding crossed my mind. All was tranquil as the grave. No camp-fires glimmered from either friends or foes. We had only quitted the battery two minutes, when a Congreve rocket was thrown up, whether from the enemy or not, we could not tell. This rocket, although we did not know it, proved the signal of attack. The troops halted simultaneously — all eyes were cast upward, each man looking earnestly to see, by the instinct of his own imagination, in what particular quarter the anticipated firing would begin. All smiled at some sailors dragging a two-wheeled car, which had brought up ammunition to the battery, who, by common consent as it were, let go the shaft, and left it, the instant the rocket was let off, which whizzed backwards and forwards, a noisy har-binger, breaking in upon the solemn silence that reigned around.”

That a battle is like a ball, is reported as one of Wellington's sayings, of which no one present can see the whole, or more than what occurs under his own eyes. General Lambert's modest and prudential despatch to Lord Bathurst, the Colonial Secretary, says that “the *ensemble* of the general movement was lost by delay, in a point of the last importance, on the left bank of the river, so that the main attack did not take place till the columns were discernible from the enemy's line, at more than two hundred yards distance.” The British Campaign states that “day had already broke, and the signal-rocket was seen in the air, while Thornton's party were yet four miles from the batteries, which ought, hours before, to have been taken.” The Subaltern, after mentioning the universal surprise at the advance not being commanded, adds, “a feeling of apprehension arose lest matters should have gone wrong, and we should be doomed to a continuance of that system of vacillation and delay which we had so long endured.

At length the word was given to push on; but not till the eastern sky began to redden, and, though we obeyed it immediately, we arrived not within musket-shot of the works till the day had dawned." Another British officer, present, imputes, in his publication, all their misfortunes and many egregious errors to the commander-in-chief: "Sir Edward Pakenham was on the bank of the Mississippi, listening and waiting the result of the passage of the boats — in a central position, to order the main attack, on his own side of the river, to go on, or be checked. The thick mist on the ground and over the river was most fortunate for his plans. It prevented the Americans seeing and firing on the boats passing, and concealed the columns to advance for attack. The mist proved the most lucky screen imaginable, and really made amends for the want of water in the canal, which prevented the boats passing. The silence from the other side was a good omen. Not a cannon, not a single musket, had been fired. There was nothing to bewilder the British general, or throw him off his guard, in the excitement of the moment, when Sir Edward declared that *he would wait his own plans no longer*, and commanded that the FATAL, EVER FATAL, rocket should be discharged, as a signal to begin the assault on the left. The consequence was, that every thing was disorganized before a shot was fired." The same officer thus alludes to the moral disadvantageous influence, after spending so much time and labor to get the boats over the river, for simultaneous attack on both sides, and thus impressing the soldiers with a belief of their officers that Jackson's lines were impregnable, if attacked in front only, of then, nevertheless, ordering that attack, without the attack on the other side too: — "Part of the troops, with Herculean labor, toiling, knee-deep and covered with mud, for a week, while cutting the canal, were the soldiers who twice before, from superior orders, had retired from the *exact spot*, at a time they all thought they were going on, and led to believe, while excavating the canal, that the American works had become *too strong to attack in front*, and that they were making this passage by way of turning their works. Every one was on the tiptoe of expectation — every

eye was turned toward the bank of the river, and all was quiet." However easy and invidious it may be for inferiors to criticise, censure, and expose the conduct of their superiors, especially after a misfortune, for which human malediction always craves a victim, yet these views by military men of the same army, at the time, are worthy of notice.

As Thornton was delayed, and had done nothing when the time arrived for Pakenham's appointed commencement, he might, while his army was veiled by the fog, have ordered them back, to await tidings from Thornton. But he had gone too far, as he probably thought, to recede, and therefore rashly, as it proved, gave the fatal order for assault.

"Owing," says one of the British chroniclers, "to the boats being aground in the canal, daylight broke before Thornton's force could land on the opposite side, which totally altered all the plans laid down; and it behooved Sir Edward Pakenham to wait patiently until the success of those crossing the river was known. The silence which reigned was a happy harbinger that all went on well. Although day had broke, still a sort of fog hung upon the surface of the earth, and the British general might have withdrawn his front columns with the utmost ease and facility, and then have quietly waited to see the upshot of those sent across the river."

There was certainly either misconduct or mistake about the fascines and scaling-ladders; although, as already remarked, if there had been neither, the result must have been the same. General Jackson's official letter of the 13th of January says, "Our fire was so deliberate and certain as to render their scaling-ladders and fascines useless." Major Latour says the British advanced, all carrying fascines, and some with scaling-ladders. The author of the Campaigns of the British Army represents Sir Edward Pakenham as disappointed, not only by Thornton's delay, but adds —

"Not a ladder or fascine was on the field. The 44th, which was appointed to carry them, had either misunderstood or neglected their orders; and headed the column of attack, without any means being provided for crossing the enemy's ditch or scaling his rampart. The indignation of poor Pakenham on this occasion may be imagined, but cannot be described. Galloping towards Colonel Mullen, who led the 44th, he commanded him instantly to return with his regiment for the ladders; but the opportunity of planting them was lost; and though they were brought up, it was only

to be scattered over the field by the frightened bearers. For our troops were by this time visible to the enemy. A dreadful fire was accordingly opened upon them, and they were mowed down by hundreds while they stood waiting orders. Seeing that all his well-laid plans were frustrated, Pakenham gave the word to advance, and the other regiments, leaving the 44th with the ladders and fascines behind them, rushed on to the assault."

The Subaltern says that —

"To enable the troops to pass the ditch, a number of fascines, gabions, and scaling-ladders, had been constructed, which were all deposited in a rude redoubt. These the 44th regiment was appointed to carry; they were desired to pack them up while in the act of advancing, and to form, thus armed, the head of the storming party. The 44th regiment disobeyed their orders. They led us, indeed, into the fight; but they left all their implements behind them. General Pakenham instantly despatched an aid-de-camp with orders to Colonel Mullen to lose no time in remedying the evil. But before the aid-de-camp came up, the enemy had opened their fire, and the 44th, broken and dispersed, had become completely unmanageable."

A third British actor in that drama states that —

"By some mistake, the officer commanding the 44th regiment had passed the redoubt during darkness, where the ladders and fascines were scattered about for his use, and indeed had halted along side of it for ten minutes, without an engineer officer coming forth, or even sending a message after the regiment when it had gone. Nay, a sergeant of the royal artillery stepped out of the redoubt, and acted as a guide to the 44th regiment, during the darkness, to the advanced battery. How was it that this mistake was not rectified, with staff-officers enough for ten times the number of men present? The 44th regiment was ordered back, *nearly three hours after they had taken up their ground*, more than a quarter of a mile, for ladders and fascines, at daybreak, having lost their breath with running and hurrying. Half these soldiers had not gained their proper position in front of the column of attack; hence they were hurried into action, and opened out, struggling as they were to place fascines and ladders across a ditch, in face of some of the best marksmen in the world, and at broad daylight."

The same person adds to this difficulty of the fascines another incident. As soon as the cannonade began, —

"At that momentous crisis, a company of blacks emerged out of the mist, carrying ladders, which were intended for the three light companies of the left attack, but so confounded with the multiplicity of noises, that they dropped the ladders, and fell flat on their faces, and would have scratched holes and buried themselves, had their claws been long enough. To see the ladders put on the shoulders of these poor creatures, who were nipped

by the cold, excited our gravest astonishment, knowing that it requires the very elite of an army for such an undertaking; for soldiers that will place ladders under a heavy fire are capable of anything. If these blacks were only intended to carry the ladders, they were too late. The great bulk of the three light companies were cut to pieces before the ladders were within reach of them; even if the best troops in the world had been carrying them, they would not have been up in time."

It seems certain, from all the testimony, that the general's orders and calculations were, that fascines should be carried to fill the ditches, and ladders to scale the ramparts, but that neither fascines nor ladders were carried to the ditch. Still, as less than a hundred British were able ever to reach the ditch, the want of means to cross it was of no importance, and their burden, if carried, would have been a disadvantage.

All these preliminary errors, abandoning the excellent plan suggested by the admiral to the general, impatiently ordering his assault without waiting for Thornton, making the leading regiment run back a quarter of a mile for implements, storming lines which he had treated as impregnable—all these were mistakes of the brave commander, who seems to have lost his self-possession. With loud cheers his soldiers marched forward, as commanded, to be sacrificed. Heavily loaded with arms (the British musket was heavier than ours), with large knapsacks on their backs, carrying long scaling-ladders and weighty fascines, all made of ripe sugar-canes, which are very ponderous, several thousand British veterans moved steadily but deliberately forward, some sixty in front of the column, and, driving in the American out-posts, advanced rather slowly toward the entrenchments. The British batteries, erected for the 28th of December and the 1st of January, together with that mounted on the night of the 7th, all cannonaded: the guns in Jackson's lines, and from Patterson's battery over the river likewise, and the commotion, was awful, as described by all who heard it. "The echo," one of the British officers says, "from the cannonade and musketry was so tremendous in the forests, that the vibration seemed as if the earth was cracking and tumbling to pieces, or as if the heavens were rent asunder by the most terrific peals of thunder. It was the most awful and the grandest mixture of

sounds to be conceived. The woods seemed to crack to an interminable distance; each cannon-report was answered one hundred fold, and produced an intermingled roar surpassing strange. And this phenomenon can neither be fancied nor described, save by those who witnessed the fact. The flashes of fire looked as if coming out of the bowels of the earth, so little above its surface were the batteries of the Americans." To the appalling noise caused by rolling, unintermitting fires of artillery, musketry, and rifles, like incessant peals of the heaviest thunder, reverberated through the recesses of interminable forests, and over the expanse of large bodies of water in lakes, rivers, and immediately under all the ground, shaking like an earthquake, the enemy added, showers of Congreve rockets, bursting through the mists of the morning, and the thick smoke that mantled the horizon. More than a mile from the designated place of attack, for which Gibbs's brigade was ordered, Pakenham had nothing to do but to keep cool, and give orders according to exigencies. But, disappointed by Thornton's delay, and provoked by Mullen's disobedience, the commander-in-chief rushed impatiently and unwisely to the front, actually leading, one British account says, the faltering 44th regiment, to throw away, as a brave soldier, the life which belonged to his army and their country, as a prudent commander. "The brave commander of the forces," said General Lambert's description of the disaster, "as soon as, from his station, he made the signal for the troops to advance, galloped on to the front to animate them by his presence, and was seen, with his hat off, encouraging them on the crest of the glacis." Leading his men through the overwhelming havoc they encountered, a wound in the knee, which killed his horse, brought the general to the ground. He had hardly mounted another, when a more fatal ball struck him lifeless into the arms of his aid-de-camp, Major McDougall; his fine English charger, bounding forward, cleared the entrenchments, was captured and taken, with his rich housings, spolia opima, to his illiterate vanquisher, who, with Roman courage, had read little of Roman triumphs or scientific strategy. Even in Lambert's narration there is confusion. Pakenham *was seen*, it says, with

his hat off, on the crest of the glacis. But if he fell into the arms of McDougall, surely it was *known* precisely where he was slain, when his rash valor rendered the fall of the commander-in-chief one of the earliest and most discouraging occurrences. His bleeding corpse, borne off the field in the midst of terrified soldiers, was a dreadful sight for those who soon fled, General Lambert's official report stated, "in the *greatest* confusion."

I shall not pretend to make clear, in description, such rapid, almost instantaneous, overpowering, and confounding slaughter, in less than half an hour that morning. One of the British sufferers assigns as a reason for General Pakenham's hasty advance from his station to the front, in the very beginning, that a panic cry of alarm broke out in the rear, and was about to disconcert the whole.

Like *sauve qui peut*, on the disastrous night of Waterloo, words of affright circulated, he says, early among the British soldiery before New Orleans.

"Baneful effects of past occurrences, bursting forth in the most glaring colors. A cry sprung up from the rear of the column of *retire, retreat; there is an order to retreat*. At this critical moment, Sir E. Pakenham rode up from the banks of the Mississippi, and Major-General Gibbs declared, in despair, that the troops would not follow him. The musketry of the enemy increased. General Gibbs was mortally wounded, and, with imprecations on his lips, was carried off the field. The confused column, after Pakenham's death, soon gave way on all sides. The misty field of battle was inundated with wounded officers and soldiers going to the rear. Little more than 1000 of the 3000 who attacked were left unscathed; and they fell like the very blades of grass beneath the scythe of the mower. Pakenham was killed, Gibbs was mortally wounded, and his brigade dispersed like the dust before the whirlwind, and Keane was wounded. The fire of the Americans, from behind their barricade, had been indeed, most murderous, and had caused so sudden a repulse that it was difficult to persuade ourselves that such an event had happened — the whole affair being more like a dream, or some scene of enchantment, than reality. Three generals, seven colonels, seventy-five officers, making a total of 1781 officers and soldiers, had fallen in a few minutes."

Accounts by other British sufferers of that marvellous butchery and incredible matinal despatch confirm that just quoted. "Some few," says the Campaign, "by mounting on one another's shoulders, succeeded in entering the works; but

these were instantly overpowered; most of them killed, and the rest taken. To scale the parapet, without ladders, was impossible; while as many as stood without were exposed to a sweeping fire, which cut them down by whole companies. It was in vain that the most desperate courage was displayed." The Subaltern adds: "We advanced at double-quick time, under a fire which mowed us down by whole sections, and were approaching the ditch, when suddenly a regular line was cut from front to rear of the column. There was a thirty-two-pound gun exactly in our front. This the enemy filled to the very muzzle with musket-balls, and laid it with the nicest accuracy. One single discharge served to sweep the centre of the attacking force into eternity. In the whole course of my military career, I recollect no such instance of desperate and immediate slaughter as then. Our column remained where it first had been checked, and was a mere mass of confusion. The ground was literally covered with dead. They were so numerous that to count them seemed impossible. General Keane hurried his brigade to the support of that which had suffered so severely. But his arrival only added to the confusion. A desperate attempt, indeed, was made to renew the charge. But Sir Edward Pakenham having fallen, General Gibbs having been borne, mortally wounded, to the rear, and Keane himself disabled, the attempt failed of success. Both columns wavered, retired, and at last fled."

Seldom have any troops, especially regulars and veterans, and more than all, as becomes their American offspring to add, British regulars and veterans, been so soon, so totally, and so fatally, confounded, as these, by the irresistible gunnery of our people. Nothing less than their own confessions would be credible testimony of their confusion, dismay, and mob-like flight. Our militia did not run from Bladensburg more affrighted or more tumultuously.

"All at once," says one of these witnesses, "many soldiers were met wildly rushing out of the dense clouds of smoke, lighted up by a sparkling shot of fire, which hovered over the ensanguined field. Regiments were shattered, broke, and dispersed — all order was at an end. And the dismal spectacle was seen of the dark shadows of men, like skirmishers, breaking

out of the clouds of smoke, which slowly and majestically rolled along the even surface of the field. So astonished was I, at such a panic, that I said to a retiring soldier, 'Have we or the Americans attacked?' for I had never seen troops in such a hurry without being followed. 'No,' replied the man, with a countenance of despair, and out of breath, as he ran along, 'we attacked, sir;' for still the reverberation was so intense toward the great wood, any one would have thought the great fighting was going on there, instead of immediately in front. The first officer we met was Lieutenant-Colonel Stoven, of the staff, unhorsed, without his hat, and bleeding down the left side of his face, who said, 'Forty-third, for God's sake! save the day.' Lieutenant-Colonel Smith, who took from Washington the despatches of its capture to England, and at New Orleans was attached to Pakenham's staff, riding up at full gallop, said, "Did you ever see such a scene? There is nothing left, but the 7th and 43d' (the regiments in reserve). 'Just draw up here, for a few minutes, to show front, that the repulsed troops may reform.' The black troops behaved in the most shameful manner, to a man, and, though hardly exposed to fire, were in utter and abominable consternation, lying down in all directions. One broad beaver, with the ample folds of the coarse blanket thrown across the shoulders of the American, was as terrible in their eyes as a panther springing among a timid multitude."

After the remains of the crushed column took shelter in the ditch, a noble regiment of Highlanders, 1100 strong, was nearly exterminated, as described by a British eye-witness:—

"By some strange error, which still remains a mystery, and perhaps ever will, the 93d Highlanders, being isolated, were marched up within good musketry-range of the American lines, instead of supporting the three victorious companies on the highroad; and, being then ordered to deploy into line, stood like statues, until they had lost, in killed and wounded, including those that fell of their light company, 544 soldiers, and the residue of the regiment, about 300, were obliged to vacate. The junction of that gallant regiment, during the assault, was to be a movable column, to threaten the front of the American lines, and act otherwise as circumstances might require. Perplexed by the abrupt and universal consternation, they were left without orders. When their colonel, Robert Dale, was killed, and many more of their officers, as appears by the deputy adjutant-general's official report of their casualties, the regiment stood like a target or a fort, till nearly demolished—a remarkable instance of admirable training."

If Colonel Mullen did flinch, as some of his companions in misfortune aver, he seems to have been the only British officer who did not bravely lead his men into the thickest of the destruction. The number of officers killed and wounded attests, beyond doubt, that fact. But very few, however, men

or officers, ever reached Jackson's lines; not more than eighty altogether, of whom forty were killed or captured. Mowed down by whole files, the vacancies were bravely replenished; but before they got to the ditch, the columns all, overwhelmed, broke, fled, dispersed, and hid, some among bushes, others in the ditch from which they first moved. There, reinforced by others from behind, the officers rallied the soldiers, with difficulty, for another effort. Ordered to lay down their knapsacks and all other incumbrances, persuaded, scolded, struck, belabored, and urged forward, a second attempt was submitted to, but reluctantly, and soon gave way, under the fatal rolling fire of cannon and musketry, repeated till the assailants broke again and fled in greater consternation than ever. All explanation and apology for their defeat, by imputing it to Colonel Mullen and his regiment, are annulled by the fact that not a hundred men ever reached the ditch, which they were to bridge with bundles, on them cross with ladders, and with these mount a mud-bank, which it would have been hard to do, if not opposed or endangered or burdened at all. The truth is, that all three of their generals and so many more of their leaders were forthwith killed or wounded, disabled, and withdrawn, that the British were crushed before they got near Jackson's defences. "A man unincumbered and unopposed," Major Latour avers, "would have found it difficult to mount our breastwork, at leisure and carefully, so extremely slippery was the soil." "Riding through the ranks," says the Campaign, "Generals Gibbs and Keane (General Pakenham then dead) strove by all means to encourage the assailants, and recall the fugitives, till at length both were wounded and borne off the field. All was *now* confusion and dismay. Without leaders, ignorant of what was to be done, the troops first halted, then began to retire, till finally the retreat was changed into a flight, and they quitted the ground in the utmost disorder." They were a mere flock of frightened sheep, without a shepherd, from the moment Pakenham fell.

Some remarkable individual cases of death and disregard of it are given by a British witness, whose narrative is recommended by a lively actuality.

"For *five* hours, the enemy plied us with grape and roundshot. Some of the wounded, lying in the mud or on the wet grass, managed to crawl away. But every now and then some unfortunate wounded man was lifted off the ground by roundshot, and lay killed or mangled. During the tedious hours we remained in front, it was necessary to lie on the ground, to cover ourselves from the projectiles. An officer of our regiment was in a reclining posture, when grapeshot passed through both his knees. At first he sunk back faintly; but at length, opening his eyes and looking at his wounds, he said, 'Carry me away; I'm *chilled to death*.' A wounded soldier, lying among the slain, continued, without any cessation, for two hours, to raise his arm up and down, with a convulsive motion, which excited the most painful sensations amongst us. The moving arm was a dreadful magnet of attraction, which even caught the attention of the enemy, who fired several shot at it. A black soldier received a blow from a cannon-ball, which obliterated all his features. Although blind and suffering the most terrible anguish, he was scratching a hole to put his money in. A tree, about two feet in diameter and fifteen in height, with a few scattered branches at the top, was the only object to break the monotonous scene. The Americans, seeing some persons clustering round it, fired a thirty-two-pound shot, which struck the tree exactly in the centre, and buried itself in the trunk, with a loud concussion. Lieutenant Augustus D'Este, of the royal fusileers, and aid-de-camp to General Lambert, rode up to our regiment, his countenance full of animation, declaring that he had never enjoyed himself more, and protesting that he would rather hear the balls whistle through the air than the finest band of music."

The young soldier, thus serene and jocular in the midst of death, confusion, and dismay, was, I believe, a grandson of King George III., being a son of his youngest son, the Duke of Sussex. One fragment of delirious and shortlived success the enemy had, that morning, the particulars of which, as well as all their calculations of what its results might have been, but for brave General Pakenham's death, they are entitled to tell in their own way.

The two light companies of the 7th royal fusileers, one company of the 93d Highlanders, and one of the 43d light infantry, altogether 240 picked soldiers, put under command of a very brave officer, Lieutenant-Colonel Rennie, of the 21st fusileers, as soon as the British artillery began to fire, rushed forward, under a murderous fire of cannon, musketry, and rifles, to the crescent battery, just beyond our lines, near the river. And "although bravely defended," says the British Officer's account; "muzzle to muzzle, by some of the American regulars of the 7th regiment, the New Orleans rifle-company,

and also some Kentucky riflemen, and notwithstanding the obstinate defence, the British soldiers, with fixed bayonets, forced themselves into the battery by one of the embrasures, the very moment after a cannon defending it had been fired. At the moment of reaching this battery, the ranks of the soldiers were wellnigh crushed and annihilated: for 8 officers and 180 men, out of the previous 240, were extended killed and wounded. When the remainder took the battery, the Americans only gave ground because the attackers were *seized with phrensy*." That gallant exploit is acknowledged by Major Latour. "But," he says, "to get into the redoubt was not a very arduous achievement. The difficulty was to keep it, and then clear the entrenchment behind it, which remained to be attacked, and which several British officers, though wounded, bravely advanced to encourage their men to do." "Only three British officers," the British account says, "escaped unwounded, and they not without shots which tore their caps, belts, and accoutrements." Colonel Rennie and two more officers were killed, mounting the entrenchment, by Beale's riflemen. Meanwhile, Captain Humphreys, from battery No. 1, Lieutenant Norris, from No. 2, and the 7th regiment of regulars, the only one within musket-shot, kept up a tremendous fire on the assailants of that redoubt. "The handful of soldiers," says the English Narrative, "(60 survivors of the 240) tenaciously clung to the battery, which was open behind, and exposed to the American fire, in hopes of succor; and it was only when the grand attack had failed that they thought of retreating. By that time all their generals, many colonels and other officers were no more, and the brave fellows in the redoubt effected their escape by a stratagem and scamper, thus described by one of their comrades: 'Raising their caps on their uplifted bayonets, they uttered a shout, which drew an American volley, when, before the smoke cleared away, these intrepid soldiers,' (as their comrade justly calls them,) 'at full speed, took to their heels, and ran beyond musket-range.' It has been erroneously asserted that some of these troops even reached the main line of the enemy's entrenchments, *but this was not the case*."

Such is the fact as to that fragment of the action. The same candid, but sanguine, English officer speculates on that occurrence:—"Thus it was that the moment of victory eluded our grasp, owing to the loss of General Sir E. Pakenham, who undoubtedly would have pushed forward the reserve, and decided the fate of the day. The 7th fusileers and 43d regiment were formed within less than six hundred yards of the enemy, filled with enthusiasm, and waiting impatiently in vain for an order to force a passage, but there they stood, like idle spectators of the direful defeat. Had they been moved forward, the fortune of the day would have been effectually restored, and the victory clenched." The Subaltern also thinks that General Keane should have supported Lieutenant-Colonel Rennie's successful capture of the redoubt. "Our column remained," he says, "where it first had been checked, and was now a mere mass of confusion. The ground was literally covered with dead. But what astonished me above all things was, to behold General Keane's brigade in full march across the plain, and hurrying to the support of that which had suffered so severely. Never was any step taken more imprudently or with less judgment. The advance of his own corps had already stormed and taken a six-gun battery upon the road. Had General Keane supported them, instead of seeking to support us, there cannot be a doubt that the American lines would have been forced in that quarter. But he did not support them; and these brave men, after having maintained themselves in their conquest till they were almost cut to pieces, were compelled to retreat. His arrival, besides, in this part of the field only added to the general confusion. A desperate attempt was, indeed, made to renew the charge, but failed of success. Both columns wavered, retired, and at last fled."

The first quoted British officer mentions Captain Wilkinson, brigade-major of General Gibbs, who had his horse shot under him, but, with an eagle-eye, saw the American fire slackening, and rushed forward on foot. A ball pierced his body, and he fell into the shallow ditch, mortally wounded, and, while gasping for breath, said to the only officer who had accompanied him, "Now, why don't the troops come on? The day is our

own." After relating the exploit of a lieutenant, who scrambled up the entrenchment, and, seeing the Americans flying in a disorderly mob, called on two officers to surrender, the British statement adds, that "the Americans got entangled, one with the other, and were in the most extraordinary confusion, while crowding their parapets, eight or ten feet deep, and as the front men let off their pieces, and fell back to reload, to make place for other aspirants to *take a shot*, as they called it, those that had taken a shot were afraid to return to the parapet; and it is a singular fact that, during the *melée*, both hostile bodies were flying, one from the other, at the same time, but under very different circumstances; the British having wellnigh lost two thousand men, whilst their opponents, ensconced up to their chins, had only sustained a loss of some fourteen persons killed and wounded — a circumstance unparalleled in modern history." Such delusions are common in all conflicts. That Brigade-Major Wilkinson should flatter himself, as he expired in the ditch, that the day was their own, was not the unnatural hallucination of a brave Briton mistaking death for victory. But it is not easy to account for another's impression that the Americans were flying in confusion. Why should they? The assailants had made no impression on their lines or lives. Why, then, so great impression on their fears? A small exterior battery was taken: but a feeble, however brave, attempt to scale the lines was instantly crushed; so that it is difficult to understand why those behind them should run away. No other British narrative says so; though one, the Campaigner, is not sparing of disparagement. "The Americans, without as much as lifting their faces above the rampart," it declares, "swung their firelocks by one arm over the wall, and discharged them directly on their heads." Such handling of firelocks with *one arm, swung over a wall*, besides being impossible, is contradicted by another British eye-witness, who says, "the Americans *crowded the parapets* to get a shot." That they took deliberate aim and fired with terrible precision, the number of officers shot down, and the very great number of men, proved. Few will believe, no American can, that Jackson and his troops were ever put to the stubborn and sangui-

nary resistance which he and they were prepared to underge, if necessary, before yielding a victory never for one instant in doubt. General Lambert's official report of the British disaster, excused himself for not taking the reserve into action, thinking that "it could not be done without loss which might have made the *attempt of serious* consequence, as he knew it was General Pakenham's opinion that the carrying the first line would not be the least arduous service."

"About an hour and a half," says one of the British narratives, "after the principal attack had failed, three distinct British cheers gladdened our ears from the right bank of the river. Colonel Thornton's gallant troops were successful. Every one spontaneously said, 'Bravo! the batteries are taken, and the Americans are done for.'" But which was the *principal* attack? In Brigade-Major Wilkinson's pocket were found letters, written the evening before the assault, indicating that the British commanders had not then determined on which side of the river to strike first, and, in the same pocket, a general order, by which it seemed that on both sides the assault was to be simultaneous. Confidence in the result, at all events, was the tenor of the letters; which assurance the writer persevered in nearly till both letters and order were taken from his corpse.

Both parties were totally defeated: but Morgan's people only scared from their batteries — Pakenham's army stunned by the destruction of 2000 officers and men, early in the morning of a raw, cloudy, disagreeable Sunday. "It was no time," says a British officer, "to count the dead, cover the drum with crape, or sound the blast of a dead-march. The reserve were joking together, ready to go ahead. The road to New Orleans was wide open, when a flag of truce was sent to General Jackson, by the British general, at the very moment when such a proposition might have been expected from him, for a truce. While the interment of the slain was taking place, the Americans, when they found out by the flag of truce the great extent of our loss, were so elated that some of them indulged in many jokes and jeers. But, to their credit, let it be admitted that the wounded, when once within their lines,

were treated with the greatest humanity, put into good houses, and their wants supplied with unsparing hand." General Lambert considered further conflict impracticable, when the chief command fell as unexpectedly as distressingly to his lot, unused to such a charge, with responsibility much more grievous than the personal risk and predicament. "It was impossible," he said, "to restore order in the regiments as they were." Whether before he left his men, crouched in position on the ground, to go to the admiral, or after his return from that visit, but at all events soon, General Lambert despatched a flag of truce, to ask General Jackson's leave to send a party of men, unarmed, to bring away the dead and dangerously wounded. About the same time, General Lambert ordered the chief artillery-officer, Colonel Dickson, to cross the river, and ascertain whether the batteries Thornton had taken could be held. During these transactions an occurrence must be mentioned, which would be incredible, but that it appears by Jackson's letter to Lambert, and by Latour's History, who was all the time on the spot and in all the actions. Soon after the British were routed and ran away, many individuals from our lines, to whom the shocking sight of so many men lying near, killed and wounded, was entirely new and extremely painful, rushing out to their relief, the British, from their ditches and other hiding places, fired on these kind assistants. When, therefore, Jackson answered Lambert's letter requesting leave to bury the dead and carry off the wounded, though the British general was no doubt unaware of that outrage, it was charged on his troops, and reprobated with strong abhorrence. At the same time, the Tennessee warrior practised one of those bold stratagems by which older soldiers sometimes carry their ends. As the loss of Morgan's batteries threatened to be fatal to Jackson, and blast his brilliant triumph, reinforcements had been at once ordered to Morgan's aid. But, without knowing whether they had got over the river, and apprehending that, if they had, it would still be difficult and sanguinary to recapture our batteries there, Jackson's answer to Lambert stipulated that, while hostilities might cease on the city side of the river, they should not only not be suspended on the other side,

but neither party should reinforce there. Besides that intimation that Jackson felt strong enough to recover his batteries on the other side, and perhaps also to cut off Thornton's retreat, Jackson's answer to Lambert's request of a truce required an immediate reply. He had sent General Humbert, a French officer of experience, to take the command on the other side. But General Morgan and other militia-officers refused to yield the command to a foreigner with no American commission. Things were in confusion over there. But Lambert's star was on the wane. Delaying his reply to Jackson till next day, Lambert, on the 8th, despatched his chief officer of artillery, Colonel Dickson, across the river, to ascertain if Thornton's conquest could be held. Dickson reported that it would require 2000 more men. Whereupon Lambert ordered Thornton's detachment to abandon that side and return, which they did under cover of that night. Next day, Lambert agreed to the terms of truce as prescribed by Jackson, who was thus conqueror on both sides of the Mississippi, in arms and by stratagem. Lambert supposed that he had saved Thornton, when in fact he lost that officer's conquest. If, instead of that mistake, the enemy could have fortified the batteries over the river, and restored something like confidence to the survivors on the city side, there were still enough of them left to have endangered it. But General Lambert's predicament was extremely discouraging and embarrassing. With the dead bodies of his two superiors, and the third disabled, in his panic-struck camp, their brigades terribly reduced and totally demoralized, a respectable general, applauded for his good conduct soon after by Wellington at Waterloo, was unable to accomplish, and did not attempt, what Wellington himself, if at New Orleans, would have found impossible. An act of unjust British vengeance, with which probably General Lambert had nothing to do, was the last bloodshed, as currently reported and believed in the American camp, of that fatal Sunday. The unlucky deserter from Jackson's lines, who had truly told the enemy, when interrogated, that the centre of our entrenchments was manned by Kentucky militia, was hanged on a tree, without trial, proof, or reason, — summarily condemned and

executed for having misled the British to direct their principal assault where they expected to find the least resistance. Whatever might be said of the Kentucky militia on the other side of the river, their fire from the entrenchments on the city side was admirable, and the poor victim sacrificed to British misapprehension and vengeance, however deserving of death for treason, suffered unjustly at the hands of British executioners, — the victim of a military mob, avenging their defeat by an act of violence, which would only have been just, if decreed by an American court-martial.

About two hours after nightfall, the British troops were ordered to rise from their beds of mud, and led back to the encampment, from which they marched before day that morning. Such of the officers as till then had flattered themselves that Thornton's success over the river might enable the survivors on the city side to restore the fortune of the disjointed battle, convinced, by the abandonment of Thornton's conquest, that all was lost, gave themselves up to the shame, distress, and dejection, which filled the camp with lament and imprecation. The dead, handed over by the victors, were interred in their wet graves, the wounded were crowded into imperfect hospitals, and sailors once more compelled to sweat by day, and freeze by night, at the oar, were employed in the transportation of some of the wounded, some few horses, and some distinguished dead bodies, to the shipping beyond Lake Borgne. The Americans had no adequate conception, during the day of the battle, of the carnage they had made, which, terrible as it was, the defeated felt in exaggerated wretchedness. As Jackson could not tell whether the conflict was at an end, or to be renewed, his vigilance continued unremitted, his fortifications of various points, and his preparations for further hostilities, greater than ever. The British camp was therefore constantly tormented. Sleep, meals, funeral-services, whatever the enemy tried to do, was interrupted by continual bombardment.

"Although," says a British sufferer there, "the distance from us was a mile and a quarter, still they contrived to elevate their cannon so that the balls sometimes flew over or lobbed into our frail huts, and the heavy shells from a large mortar dropped among us in a similar manner. Three days

after the attack, a grave was dug for a lieutenant of our regiment, who expired in great agony from a wound in the head, and, being sewed up in a wet blanket, he was consigned to a clayey resting-place. An officer stood at the head of the wet grave, reading the funeral service, with a prayer-book in his hand; the rest of the officers were standing round the grave, with caps off, when a shell from the enemy came whistling through the air, and was descending, apparently, upon our heads, but fortunately exploded a hundred yards in the air, with a dreadful crash, showering down a thousand iron fragments. The noise having subsided, the prayer was then concluded, the grave covered over, and we retired from the solitary ceremony. The night after this burial, a shell exploded over our hut, in which two officers of our regiment were sleeping, which cut off both the feet of one, who crawled out of the hut in a horrible situation. A round-shot knocked the cooking-kettle off the fire, which was surrounded by officers' servants, without further damage than spoiling the soup, which was a serious inconvenience; for, owing to adverse winds, and the necessity of carrying the wounded down to the shipping, by Lake Borgne, a distance of sixty miles, and bringing up, in return, provisions, the sailors were quite exhausted; consumption was beyond the produce; on some days we did not taste food, and when we did, it was in small quantities. One morning, before daylight (having been kept awake all night by the usual salutations of shot and shells), we were disturbed by the water pouring into our huts; the Mississippi had overflowed its banks, and nothing but a sheet of water was to be seen, except a few straggling huts and one house, the lines of the Americans and forest trees. It was nearly dark before the waters subsided. The whole day the troops were enveloped in muddy blankets, shivering with cold, as hungry as hunters, looking like polar bears standing upon their hind legs. A grove of lofty orange-trees grew near the scattered houses, covered with oranges nearly ripe. In lack of other food we cast them into iron pots, half filled with sugar, mixed with a little water, by which process we converted them into candied orange-peel, which in some measure satisfied the cravings of hunger, but brought on complaints, added to the cold and wet, which sent many officers sick on board ship. The sugar in the hogsheds was crystallized with the alternate rains, frost, and the occasional gleams of sunshine, and eat very like candied sugar."

Such were the annoyances and sufferings from climate, want, unwholesome food, and, above all, passive exposure to wounds and death by fire-arms, without using them in return, that, adds the same Englishman, "we raked out our small fire, to throw the enemy off the range; and the soldiers were so irritated that they fell in simultaneously, and demanded to be marched to the front or to the rear. I never saw the troops more indignant. They vociferated in loud

sneers at the whole process of the operations; and it was truly amusing to hear the quaint remarks of some of those veterans."

These ebullitions of insubordinate irritation broke forth when the retreat began, notwithstanding many sufficient inducements to that clandestine flight, which have already appeared. But a final cause occurred in the repulse of a squadron of vessels of war, with land-troops, which attempted the capture of Fort St. Philip, an irregular work at Plaquemines, on the Mississippi, some miles below New Orleans, nearly surrounded by impracticable morass, and the bayou Mardi Gras, forty-five yards wide, tolerably well garnished with heavy guns, and garrisoned by about 400 men, artillerists, regular infantry, Louisiana volunteers, and some free negroes, commanded by Major Overton, of the rifle corps, who was stationed there on the 15th of December, 1814. Simultaneously with the advance, by the lakes, on New Orleans, Admiral Cochrane had sent the *Nymph*, *Herald*, *Ætna*, *Meteor*, *Thistle*, and *Pigmy*, six vessels; of which a sloop of war, a gun-brig, and a schooner, together with two bomb-vessels, ascended the Mississippi, to create a diversion, co-operate, if possible, in the land attack of New Orleans, at any rate, make whatever impression they could by the river. The lakes were in English possession, and the river was much more navigable than the lakes. The river squadron succeeded in passing the *Balize*, at the entrance of the Mississippi, captured the detachment of our people there, and made good their way up the stream; but not in time to be of any use to Pakenham, either on or before the 8th of January. Next day, however, Fort St. Philip was attacked by the river squadron, and, during the eight following days, an incessant bombardment was kept up, but from such a distance, for fear of our guns, that no serious harm was done. Many tons of projectiles were thrown and fell into the fort, but with trifling injury to the garrison, who, during nine nights and days, had little repose, and stood ready for any trial of their force. The cannonade could be heard at Jackson's camp, where, however, it occasioned no uneasiness. One dark, stormy night, the enemy attempted to pass

the fort, but were readily repulsed ; and when our artillerists contrived, at length, a mortar that would reach the besiegers, tired of their ineffectual and almost harmless endeavors, they retired on the 17th of January, 1815, more afraid than hurt, but entirely defeated.

The troops were in the batteries nine days, without cover, exposed to the rain and weather, which was extremely cold during bombardment almost incessant. Perhaps the siege would not have been so long, had the fusees, sent from the northward, been of a good quality. But, for several days, the mortar was nearly useless ; and, from the effect produced after good fusees arrived, probably the siege might have been much shortened. Upwards of one hundred shells buried themselves within the fort. The surrounding buildings, workshops, stores, and the hospitals, were almost in ruins ; and the ground, for half a mile round, was literally torn up in every direction. But the enemy took care to keep out of the range of our shot all the time, till the evening of the 17th of January, when Captain Wolstoncraft, of the artillery, having got a mortar to reach them, dealt such blows that they soon retired. Major Overton nailed his own colors to the standard, and placed those of the enemy underneath them, determined never to surrender the post.

It is only conjectural what effect that final discomfiture on the Mississippi had on the determination of commanders of the fleet on the lake and the army ashore, to abandon Louisiana ; though it is probable that Cochrane and Lambert began, on the 9th of January, their arrangements for retreat, as several places were fortified by them at a distance from New Orleans, apparently to prevent their molestation on the way to Cat Island. The marshes were explored and bridges thrown over many of the creeks. Bundles of reeds were made, to be used as occasional walking-ways in the swamps. And, in all probability, General Lambert felt it so indispensable to withdraw, without further effort, that even the capture of Fort St. Philip would not have induced him to remain. On the night of the 18th of January, 1815, at all events, the army decamped in profound secrecy, and great trepidation, leaving eighty of the

worst wounded officers and men with surgeons, addressed by General Lambert's special entreaty, to General Jackson's care and kindness, and abandoning some of the British cannons.

Within less than five months, three British armies fled from the United States; for in neither instance could it be called a retreat, as they absconded by night, clandestinely and in great dismay, from much inferior numbers, and nearly all of these militia or volunteers — one army from Washington, another from Plattsburgh, and the third from New Orleans. About 32,000 veteran soldiers, and not less than 20,000 mariners, British, fled from not 10,000, the American aggregate, and not more than three of that ten thousand regular soldiers: On three occasions, in flight so precipitate, disorderly, and, but for panic, inexplicable, that, without British accounts of them, the history would be incredible. In the British version, it became at last ludicrous in the wilds of Louisiana.

"On the 18th, it was *intimated* that we were to retire during the night. A day or two before, the brigade of field artillery were put on board the boats (which took place during the night); some straw was loosely strewed over the guns, that their departure might not be noticed by any of the negroes wandering about the houses, and to prevent their giving any information to the enemy that we were about to decamp. The old ship-guns were abandoned, and left in the advanced batteries, as trophies to the Americans." [Among the cannons captured by Thornton, was one which Washington took at the surrender of Cornwallis; which uncommon trophy was also abandoned by the British more than thirty years after they first surrendered it.] "As a matter of course, the few horses, and other materials appertaining to the army, had been previously conveyed on shipboard. For a short way we proceeded on the hard road, following the preceding column, and then entered the swamp, and the first step sunk up to the knees in mud, and we continued to drag one leg after the other, sometimes falling on our faces, and at others sinking in up to our hips, and any one unluckily stepping off the road was almost certain of going over head and ears. At one spot the men came to a dead stop; an officer, more valiant than wise, pushed every one aside, and boldly stepped forward to lead the way; but courage availed him little, for in an instant he was up to his neck, and, had it not been for the timely exertion of those present, in two seconds he would have disappeared. The soldiers were obliged to carry their firelocks in both hands, horizontally, so that when they lost their footing they might hang to their arms until assisted by their comrades. During the whole of the night

we scrambled and tumbled about in this bog; and when morning broke, a scene presented itself which beggars all description. The straggling files of the soldiery extended along the quagmire for miles, enclosed by high reeds; every countenance was plastered with mire; in fact, the whole army was covered with a cake of mud, from the crown of the head to the sole of the foot; and, to increase the *agreeables* of this most extraordinary of all marches, the air was darkened by flights of wild ducks, and a dead alligator, nine feet in length, lay across the way; each leg was nearly twice as thick as a man's arm; the back and tail of these amphibious animals are covered with a dark shell, like a coat of mail, which is musket-ball proof."

The retributive justice seems to be specially providential, by disastrous reverses, sanguinary routs, terrified flights, and, at last, ridiculous fears, of the iniquitous double-dealing which proclaimed and prosecuted inhuman war while protesting to negotiate honorable peace; postponing peace for many months for the sole purpose of waging such war, after every cause of war was removed by overruling Providence. And that is morbid American feeling, of which, however, much still lingers, that would bury the recollection of such memorable events in idolatrous oblivion. They are pledges of peace and international amity, most grateful to those who triumphantly overcame British arms and influence. No administration of the American government ever was on terms of more cordial amity with Great Britain, than that of the President who as commander at New Orleans defied her arms, reprobated her enormities, with uniform courtesy dealt with her officers, and, by their unanimous acknowledgments, with constant humanity treated her captives.

"At ten o'clock," the same British narrator adds, "the following morning, we reached a place called the Fishermen's Huts. Here we passed some wretched days, upon half-allowance, without any fuel, save the reeds, to kindle the fire with, which flared up with a puff and went out in an instant, without conveying any warmth to our shivering bodies. An officer of the rifle-corps shot a wild duck, which, without sauce, was so much talked of, that I really believe half the troops dreamed of it. I passed a night near this spot, and such a night as I shall not easily forget. Just before dark, I saw an alligator emerge from the water. The very idea of the monster, prowling about in the stagnant swamp, took possession of my mind; to look out for the enemy was a secondary consideration. The word was, 'Look-out for alligators.' Nearly the whole night, I stood a few paces from the

entrance of the hut, not daring to enter, lest an alligator might gobble me up."

In the same strain of serio-comic narration, this officer recites the farce of the flight which followed the tragedy of the battles. One of their entertainments was a negro-dance, by the slaves they carried into much worse slavery, "accompanied by a sort of rude pipe and tabor." The British stripped all the plantations they occupied of all the slaves they could lay their hands on, some perhaps not unwilling to change their masters, others and all the women forced to go, and every one taken as property to which the captors had a right.

"On the morning of the 28th of January, we quitted the morass," says the Narrative, "after twenty days' bivouacking, and, with rotten shoes, we were put aboard the *Bucephalus* frigate, anchored off Cat island. A boat's crew of Americans contrived to kidnap and make prisoners three officers and fifty privates of the 14th dragoons, while comfortably snoozing and covered with a tarpaulin, as they were passing down the lake, one dark night, to go on board the shipping."

That clever feat was performed by Doctor Morrell and Purser Shields, who, in four boats, manned by volunteers, sailors, soldiers, and citizens, captured six prizes, one of them a schooner, and sixty-three prisoners, on Lake Borgne. The Louisiana levy en masse arrived daily at New Orleans; and the long-delayed arms and other supplies from Pittsburg some time after the 8th of January. A thousand English muskets were taken from the ground after the battle of the 8th; and Jackson wrote to government that, if the arms destined for New Orleans had reached him in time, the whole British army might have been captured or destroyed. Fortifying many points before unprotected, and distributing forces where there had been none, — if the enemy had made another attempt, our means of repulsion, physical as well as moral, were much greater than during the thirty days while the invaders were confined to the tongue of mud on which they encamped, and from which, with most imperfect means, they were driven, contrary to their own confident and almost universal expectation.

The last and only successful action of the British, in that region, was the capture of Fort Bowyer. Having entirely evacuated the lakes, rivers, and land of Louisiana, the fleet landed 5000 of the army, near that fort, on the 8th of February, 1815; and, during the four following days, regularly advanced upon it by trenches and scientific military approaches, with the loss of some 40 men. On the 11th, General Lambert proposed fair terms of capitulation, which were accepted; and, on the 12th, the garrison, 350 men, surrendered themselves prisoners of war. Before that, on the 10th of February, Edward Livingston had returned from the British fleet to New Orleans, with authentic intelligence of peace, brought by the Brazen sloop-of-war, of which, on the 13th of February, 1815, Admiral Cochrane officially informed General Jackson by a letter from on board the *Tonnant*, at Mobile bay. Thus, from the same ship whence, by order of his government, he issued, in August, the notice to ours of inhuman warfare, the same officer, six months afterwards, had what he termed "the exceeding satisfaction of offering his sincere congratulations on a treaty of peace, of which he had that moment received from Jamaica a copy of the bulletin proclaiming it."

The treaty, to be sure, was to be accepted by our government before hostilities were to cease. But that ratification soon followed; when the reduction of Fort Bowyer, hardly a shortlived trophy, became soon useless. General Winchester had sent from Mobile 1000 men, under Major Blue, to succor Colonel Lawrence, which reinforcement might have protracted and ensanguined the siege; though the result must probably have been the same, as the garrison was too small and the fort too frail to withstand the force General Lambert arrayed against it. But Major Blue did not reach the neighborhood of the fort till the surrender had taken place. "It is true," said Jackson, in an address to his troops, announcing peace, "Fort Bowyer has fallen: but it must, and will be, speedily regained. We will expel the invader from every foot on our soil."

On the 19th of January, soon after Jackson had sent out a reconnoitring party to ascertain whether the enemy had eva-

cuated, as there was reason to believe, a British surgeon, Wadswale, called, with Lambert's letter, assuring him that they had gone, and recommending to Jackson's generosity eighty of the worst wounded British, who could not be removed, and for whom three surgeons were left. Doctor Kerr, our surgeon-general, was forthwith sent to the British hospital; Colonel Hinds, with some cavalry, despatched to harass the retreating enemy, and a detachment of native Louisianians, expert hunters, to scour the neighboring woods for stragglers. Jackson then, with his staff, rode out to the British encampment, visited and consoled their wounded, and, returning from that office of mercy to his own entrenchments, gave his first thoughts to devout acknowledgment of gratitude to God for the wonderful success of which he had been an instrument.

That mixture of devout religious with constant belligerent duties characterizes not only the uneducated chieftain, to whose individual genius this country owes so much, but furthermore indicates and vindicates the country itself from imputed republican tendencies, misunderstood, as regards the influence of free government on religion. Jackson was sincerely and reverently devout; presbyterian and extremely puritanical in his opinions and habits. Before he left his encampment to return, with his armed comrades, to the rescued city, and there indulge in the demonstrations of joy usual and proper on such occasions, his first care was to thank the Creator for victories ascribed to his merciful providence. But not only so: rigid protestant as he was against the Roman Catholic church, from his camp, smoking with bloody deeds, he entreated the principal functionary of that church, the Reverend Abbé Dubourg, to cause the service of public thanks to be performed in the Cathedral, in token of the great assistance received from the Ruler of all events in giving success to our arms against the enemy, and of our humble sense of it. Europe has deemed republican America irreligious, and to prevent that public detriment, maintains the church as part and parcel of the state. Collating, in this respect, the condition of European armies, of all nations, and their leaders, at the battle nearest in date to those of New Orleans, the difference deserves his-

torical explanation. In the modern French armies, which overran Europe, religious sentiments or observances were little known. French revolt from priestcraft, denounced as an instrument of kingcraft, rushing to excesses against religion, naturally induced hostile European states to impute similar infidelity to American emancipation from royalty. Real toleration and universal representation are cardinal points of the American experiment of self-government. But, while Jackson, the Puritan, humbly ascribing his success to God, entertained the church, of which he was far from being a member, to suffer him there to return thanks for it, was there any commander at Waterloo who ever set an example of pious reverence? The great Prussian victor, Blücher, was as notoriously vicious as he was fearless; the greater British commander, Wellington, by no means conspicuous in morals; and the still greater French Emperor died, it has been said, conscious that, though he had done much to revive religion, he had not done enough. General Washington, in the army of the American Revolution, General Jackson, at New Orleans, and General Scott, in Mexico, were all exemplary as religious leaders. Nor was it, I believe, ever imputed to either of those generals that his religion was not sincere and unaffected, as undoubtedly Jackson's was, who long lived, and at last died, a devout Christian. In other respects too, his character compares to advantage with many of his celebrated European military contemporaries. Illiterate and little refined, that rough borderer was polite, humane, dignified, and honorable, beyond not a few of those bred in camps, but fashioned in courts. While I am thus sketching the barbarian, as some of his distinguished countrymen called Jackson, a leading European journal, Galignani's Messenger, of the 14th of March, 1851, republishes, in the polite capital of France, from a respectable journal, the Sun, of the capital of Great Britain, with applause, that one of the most eminent British generals, Sir Charles Napier, on a public occasion, said, "The low, lying presses may all go to ——," saying which, Sir Charles gave a significant shake of his head, indicative of the word which he would not utter. 'I tell you,' said he, (and here the general

threw his hands together, with a most expressive gesture,) 'that this is an infamous, a damnable, a worse than damnable lie. If general officers are unfit for command, and I must say there are nine out of ten who ought not to be appointed,' " &c. The Emperor Napoleon's homely metaphor of dirty clothes washed at home, when addressing the legislators of France, and numerous other vulgarities, that might be cited, show that inhabitants of American frontiers are not, comparatively, always ruder than some of those apt to be deemed superior. The scandalous correspondence of Admiral Napier, captured and published in 1815, exposes conduct and letters in flagrant contrast with the elegant despatches and noble deportment of Jackson. English individuality, more independent than American, may not be unedified, nor should national pride take offence at these historical recollections of parts of the hostilities between kindred nations, indispensable to their durable amity.

In the last naval engagement of that war, the young lieutenant who commanded the American squadron, on Lake Champlain, rose to battle from prayers said according to the ritual of the Church of England. After the last victories near New Orleans, the American general, a strict Presbyterian, returned thanks to God in the church and with the forms of the Roman Catholic creed. These remarkable instances of piety and toleration are part of the history of the time. Colonel Drummond fell, storming Fort Erie, and General Gibbs, at New Orleans, each breathing profane imprecations — also occurrences of which impartial history may record the instructive contrast.

Though the British surgeon, Wadsdale, brought word from General Lambert that all further operations, for the present, would cease, yet Jackson's first proceeding on that advice was to strengthen old and fortify new positions. to provide against any further attempt that might be made: nor would he leave his entrenchments till every precaution was effectually taken against surprise or stratagem.

When all these measures of prudence were completed, but not till then, on the 20th of January, Jackson accompanied

such of his troops as were not left at the entrenchments or stationed elsewhere, in their triumphant return to New Orleans, where their reception was as cordial as their campaign had been brilliant. On the 23d, the ceremony of solemn thanksgiving was performed in the Cathedral by the Reverend Mr. Dubourg, Administrator-Apostolic of the Diocese of Louisiana, who addressed General Jackson, and was answered by him, in eloquent congratulations. Citizen-soldiers restored, with little loss of life, to their families, after a month's severe service, both active and passive; their terrible enemies totally defeated, with prodigious carnage, and forced to fly by night from the land; the patriotic delighted, the disaffected rebuked — all delivered from alarm, and united in individual and national rejoicing — rendered Jackson's return most grateful to a city, where, during six and twenty alarming days and nights, the discordant population were continually kept in dread by cannonade of which the bravest had much to fear. But in this account of their deliverance, it is due to their invaders to insert their denial, that dread of captivity was aggravated by threat of plunder, rape, and other miseries of a sacked place. For several years, it was common belief, and on respectable authority, that General Pakenham had sharpened his soldiers' lust for plunder, and roused their efforts to desperation, by the atrocious watchwords *Beauty and Booty*, given out as the inducement to take New Orleans. In 1833, all the surviving British commanders, namely, Lieutenant-Generals Lambert and Keane, Major-Generals Thornton and Blakeney, and Colonel Dickson, deemed it proper to publish, in an English journal, that, serving, and actually present, in the army commanded by General Pakenham, they unequivocally denied that any such promise was ever held out to the army, or that the watchword, asserted to have been given out, was ever issued. The reason why that denial was not made known till eighteen years after the alleged occurrence, they added, was, that they never heard of it till repeated in a respectable English work, Mr. James Stuart's "Three Years in America." That *Beauty and Booty* were the British watchwords that day was the

uniform belief and constant assertion of Generals Jackson, Coffee, and Carroll, who got their information from prisoners, confirmed by the books of two of the British orderly-serjeants taken in the battle. On such authority, it was the universal belief of the Americans, and never contradicted till by the publication of the British generals before mentioned. Barbarities of their forces at Hampton, at Raisin, and at Washington, Admiral Cochrane's official proclamation of inhuman warfare — in fact, the whole course of British hostilities in this country, together with American ultimate successes, had so disgraced the British that the instruments of such outrages and victims of defeats became naturally anxious to escape some of the odium. General Lambert and the other protesting generals testify in their own cause, under that anxiety. There was record-proof, in the books of the orderly-serjeants, of the fact. At the same time, the usual animosities of war were so much aggravated by the British manner of waging it, with Indians, slaves, pirates, larcenies, burglaries, and other felonious violations of all its recognised severities, that Jackson and his associates may have been hasty in adopting their belief in a circumstance which is unequivocally denied by respectable, though certainly interested, persons.

Jackson's amazing success over foreign foes, effected by severe pressure on a lukewarm and in part disaffected population, not broke to coercive authority, excited, as soon as danger appeared to be at an end, intestine enemies, whom he subdued by measures, some account of which belongs to the history of his eventful life and that memorable campaign. The French residents of Louisiana, the French consul there, the press, the legislature, and the judiciary, all contended with the commander-in-chief for supremacy: and, formidable as such antagonists are, they were, one and all, vanquished by the rough and ready chieftain, whom their British assailants found always invincible. Power, so triumphantly exercised as that he assumed, could hardly be ungrateful to one so fit for it: but who vindicated prolongation of his dictatorship by reasons so cogent that even they who think him wrong cannot doubt that he thought himself right, as well in the first assumption of martial

law as, in continuing it some time after war seemed to be at an end.

Mr. Livingston returned from the British fleet to New Orleans the 18th of February, 1815, with perfectly credible and nearly official news that a treaty of peace had been signed, at Ghent, the 24th of December, 1814. War, however common, and even agreeable to many, is such general derangement that in all countries, at all times, peace, even though not in terms satisfactory, is warmly welcomed, and, both throughout Europe, in the spring of 1814, and North America, in 1815, the end of their war first, and of ours afterwards, was hailed with enthusiastic delight. At New Orleans, popular commotion broke out like reprieve from death. Emancipation from danger was succeeded by wild insubordination to all military restraints. The heterogeneous masses of militia, volunteers, and altogether raw levies, constrained by Jackson and jeopardy to organize themselves as an army, intoxicated with victory and confident of security, almost disbanded themselves, in defiance of all their commander could do to keep them in order. The day after Mr. Livingston's return from the British fleet, with news of peace, Jackson attempted and was resolved to put down that perilous exultation for peace till peace was ascertained to be certain, as he had overcome dangerous and disaffected apprehensions of war. On the 19th of February, he published warning against being disarmed by what might be false hopes and fancied safety. Till the alleged treaty was ratified, the commander-in-chief, responsible for all events, insisted that there must be no relaxation of the military attitude, however irksome and disagreeable. But for his prudence and tenacity, the city and vicinage, the whole State indeed, might have relapsed into fearful liabilities. All his energy was necessary to hold what was hardly won. Nor was it held without six weeks of intestine controversy, as trying as war.

That most privileged and meddlesome of American classes, the public press, would no longer submit to restraint. The very day after the general's warning, the Louisiana Gazette published to its four hundred subscribers, scattered over the State, and to the English fleets and armies, still hard by, that

a flag of truce had arrived from Admiral Cochrane, officially announcing to General Jackson the *conclusion* of peace (when peace was not concluded), and virtually requesting a suspension of hostilities (which was totally untrue). No flag of truce had arrived. On the contrary, some days afterwards, on the 6th of March, when General Jackson, by flag of truce, suggested a suspension of hostilities to General Lambert, he properly declined it, because, till the treaty was ratified, and that officially made known to him, his orders were, he said, to prosecute hostilities. Three of the four New Orleans' battles, the bombardment of Fort St. Philip, the capture of Fort Bowyer, and several naval engagements, took place after the treaty was signed at Ghent and ratified at London, but not at Washington. Jackson immediately, on the 21st of February, addressed Mr. Cotten, editor of the Louisiana Gazette, requiring him to remove the improper impression of his unauthorized and incorrect statement; and, at the same time, made it publicly known that no such publication was to appear in any paper of the city, unless the editor had previously ascertained its correctness and gained from the proper source permission for its insertion. Thus, the press was curbed, which, if left to its own licentious tendencies, might derange public order, by fomenting the prevailing spirit of resistance to martial law, and perhaps inducing reinvasion. Types are so often more dangerous than fire-arms, that a man in authority in this country not deterred by the press is rarer than one not afraid of fire-arms. Constrained to forego its common food, the press revolted against martial law, which the general maintained, in spite of that assailant, till peace became unquestionable. Tidings of peace universally accredited, and which the general neither did, would, or could gainsay, threatened to unstring the nerves of belligerent tension. Militia and volunteers, men and officers, in gangs, without leave, left their posts, and refused, when ordered, to return to them. The precious few who remained faithful were under the evil example of those who deserted. Speculation in trade and in politics, agitation, and disorganization, surged up from all quarters. The press was not the only enemy that defied the general in what he still in-

sisted on treating as his camp, governed by martial law, which was merely his word of command; a word which, during six weeks of war, had preserved the community in safety and led them to victory, but a word intolerable and unconstitutional when war was over; and editors and writers, lawyers and judges, insisted that they had as good, if not better right to determine when danger was over than the commander-in-chief.

French inhabitants of Louisiana, some of them naturalized as American citizens, who nearly all served with characteristic gallantry against their inveterate English foes, became extremely restless and troublesome, when the fighting was done, and almost rebellious against martial law, as soon as the war was believed to be over. Jackson had with them a more difficult contest than with the printers; and was led on, step by step, to measures of such rigor as involved questions of great moment. The French consul, Tousard, undertook to protect some of his fellow-subjects from military service; and indeed threw his official mantle over others, who, as naturalized American citizens, had voted at elections in that State. However irksome and inglorious military service might be to those mercurial people, when there was no fighting, the general's right was to compel all inhabitants to do military duty, from which the consul had no right to exonerate them. France and England having recently made peace, the consul's interference with American hostilities against the English was the more offensive. And the controversy between the general and the disaffected French waxed warm, as his contests mostly did, and theirs are also apt to do. Resolved to subdue them, as he did the printers, on the 28th of February, 1815, by a general order, all French subjects, having the certificate of their consul, were ordered to leave New Orleans, and retire so far into the interior as not to be able either to seduce the well-disposed in the city, or communicate with the enemy. That order caused strong repugnance among most of the French, who found a warm and able champion in Mr. Louis Louallier, a naturalized Frenchman, who represented the parish of Ouachita, in the State House of Representatives, where he was appointed

to the leading place of chairman of the committee of ways and means, and proved one of the most active and efficient members of a body unequal to the crisis. His rebuke has been already mentioned of their culpable procrastination and inactivity. On the 22d of November, 1814, he reported, from the committee of ways and means, by far the most, if not the only, adequate proposal of the session; taxes of fifty cents on every bale of cotton, to produce \$40,000, and ten dollars on every thousand weight of sugar, to produce \$25,000. Printed, debated, and subjected to many modifications, that vigorous measure was supplanted by insufficient bank-loans, through the usual dread of republican legislatures to tax their constituents. Though Mr. Louallier voted against suspension of the habeas corpus, and against the additional oath to support the Constitution of the United States, yet there was no reason to doubt his patriotism. Remaining in New Orleans after the final adjournment of the Legislature, his exertions then, as before, in behalf of the soldiery, the wounded, and the needy, were praiseworthy, and his untoward resistance to martial law may not have been otherwise. Still it was remarkable, as Jackson had occasion to plead in his vindication, that Frenchmen and Englishmen, by coercion, insisted on teaching him and other Americans the laws of this country, and the principles of freedom, of which they denounced him as an ignorant violator.

Dominick A. Hall, Judge of the United States Court for the District of Louisiana, by birth an English subject, was suspected by Jackson of connivance with Louallier to annul martial law by color of judicial condemnation of it, which brought about a conflict of laws at the close of the Louisiana campaign, never settled during twenty-eight years, till at last, in 1843, an act of Congress, of which I was the draughtsman, awarded the victory to the chieftain who resisted an unjust judgment.

On the 18th of February, news of peace reached New Orleans; against the dangerous effects of which General Jackson next day warned the community. The French inhabitants and their consul proving especially refractory to his continuance of martial law, on the 28th of February, he banished them

from the city. On the 3d of March, Louallier published anonymously, in the Louisiana Courier, under the signature of a citizen of French origin, a provoking defiance of the man who never declined a challenge: calling on the French to rally to their consul, and resist martial law, which the judiciary would pronounce unconstitutional and void. Invoking that virtue and courage which in France, as once in Rome, stands for so many more, Louallier pronounced it cowardly for Frenchmen to disown their country, in order to please a military commander, and escape his illegal proscription. They would not be frightened into submission by martial law, which only the President of the United States could impose on alien enemies, and General Jackson had no right to inflict on alien friends. The great writ of English liberty was a method for reversing martial law, which was equally incompatible with French dignity and American constitutional right.

Such an assault on the general, by a member of the Legislature which had refused to thank him for saving the country, was a challenge to him by a firebrand thrown into a combustible population. If the intimation which it broadly bore, that the judiciary would repeal martial law, was published by authority, the judge who authorized it must also have taken up arms against the general: and both legislator and judge were obnoxious, like the printers, to necessary restraint. So the general considered, and, as he believed, was well advised by lawyers as good legists as any judge. There was no option but to submit to such assailants or subdue them. If, trusting to uncertain peace, he had revoked martial law, disaffection, if not treason, must have triumphed. Uninfluenced by clamor, except to be provoked by it to redoubled vigilance, he was resolved to run no risk for the country, but assume any responsibility on himself during the few days that must elapse before official tidings of peace, if ratified. No one suffered, meantime. None but the restless complained. And if he was guilty of any breach of law, or wrong to any one, every one had legal redress against him as the wrong-doer.

On the 5th of March, therefore, he addressed to Mr. Leclerc, a printer, for publication, a sharp and stern reply to all

who, through the press or otherwise, attempted to invalidate martial law, undermine or overthrow his protection by it of the country. The lurking traitor, he said, was laboring to feed with fresh fuel a spirit of discontent, disobedience and mutiny, too long secretly fomented. Not a few, and their numbers increasing, under the guise of subjects of the French monarch allied with Great Britain, suffer themselves to be seduced from their duty, thereby realising the hopes, and aiding the projects of the enemy. Wherefore all officers were ordered strictly to enforce his order of the 28th of February against them, and to arrest all guilty of mutiny. On the same day (5th of March) Louallier was arrested, at noon, in the street, stoutly protesting against unlawful violence, and taken as a spy to the barracks, where he was placed under military guard. A French lawyer at hand, named Morel, forthwith engaged by Louallier to effect his liberation by legal process, applied first to Martin, one of the judges of the Supreme Court of the State, for his interposition, it does not distinctly appear in what form, either by prohibition or habeas corpus. That judge and court having decided that they had no jurisdiction in such a case, Morel then applied to Hall, the United States District Judge, after the prior application to Martin indicated the French feeling at the moment. François Xavier Martin, the judge, a man of considerable learning and talents, in his written history of the war in Louisiana, depicts in strong colors Jackson's vulgarity, ignorance, ferocity, and violence, and also disparages his chief adviser, Edward Livingston. Hall's firmness, it says, defeated General Wilkinson's arbitrary measures, when urged by President Jefferson against Burr, eight years before; and he was looked upon as the man to put an end to Jackson's usurped authority.

After considering Louallier's petition for a writ of habeas corpus, presented to Judge Hall shortly after Louallier's arrest, that Sunday afternoon (5th of March) the judge allowed it, suggesting, however, to Morel, who presented it, that a letter had better be sent to Jackson, to apprise him of it, which was accordingly done at once by a written note from Mr. Morel. Thus apprised, some twenty-four hours before the writ was

served on him, that it was to be done by allowance of Judge Hall, the general instantly ordered the judge's immediate arrest, and confinement in the barracks, for aiding and abetting and exciting mutiny within his camp; which order was executed on the same Sunday evening, the 5th of March; and, during that night, the two prisoners, Louallier and Hall, were confined in the same room. For some cause, not distinctly apparent from the several affidavits afterwards taken *ex parte* by Judge Hall's direction, the date of the writ was altered by the judge, before service, from the 5th to the 6th, but left still returnable, as at first, "at eleven o'clock to-morrow morning," which would be Monday, the 6th, whereas the alteration from the 5th to the 6th rendered it returnable Tuesday, the 7th. When, therefore, served on Monday evening, the 6th, dated that day, and returnable in the morning, Jackson laughed, and asked if the time had not passed; and kept the original, giving the clerk a copy, because, he said, there was some juggle in the matter, and that Hall had concerted it with Louallier.

The judge was arrested and confined by the general's order some time before the writ was served, but after it was issued, and the general, by the judge's direction, was informed that it had issued and would be served. A conflict of laws thus ensued, between ordinary and martial law, in which nothing less than indispensable necessity will justify the force applied by the military to arrest the person and proceedings of the judicial officer. The judge, together with nearly all the other respectable and most interested citizens, having advised recurrence to martial law as the best, if not only, method for saving the State, and that happy result having been accomplished, if not by, at any rate during, martial law, the questions on the 5th of March were, whether the exigency of the 15th of December remained on the 5th of March; and who was to determine those questions. When the quarrel between the judge and the general became acrimonious, as it did, and unsparing, Jackson accused Hall of concerting, with Louallier, the writ of habeas corpus, for the purpose of overthrowing martial law, which charge neither of them denied, as they would have done, if unfounded. Louallier made oath, before Hall, that he had

nothing to do with the publication of the 5th of March; and Hall, by newspaper publication, denied leaving the city in affright and alarming the country. Both, anxious to vindicate themselves from Jackson's aspersions, seemed to admit that the threat of the publication was authorized, that the judiciary would annul martial law. Its abnegation, and indeed prostration, had become a public clamor, threatening the military ascendancy with overthrow, — vehemently urged by a whole class of inhabitants: which, one of them, Judge Martin, well informed, states that Judge Hall was looked upon as the magistrate with sufficient firmness to effect. A formidable combination existed — disaffected legislators, offended judges, indignant lawyers, encouraged by the French consul, stimulated by the press, and enjoying the Creole sympathies of some of the general's best troops, — who were bent on his being forced to relinquish what he had repeatedly declared he would not, and could not, without both disgrace and danger. Martin's History says the Exchange was thronged by a concourse of people, who destroyed Jackson's transparency there. A legislator and a judge were both arrested and confined by the general's orders, for conspiring, by judicial contrivance, to restore common law, in defiance of the dictator who upheld martial law. "It was suggested," Martin's History states, "that the governor should call out the militia, and put himself at their head; that the marshal should summon the posse comitatus of the whole district, to support the judiciary." "It is not easy," he adds, "to say to what extremity matters would have been carried, if the good sense of the most influential characters of the city had not induced them to interfere. They represented to those disposed to run all hazards, that a few days, perhaps hours, would bring the ratified treaty; that Jackson's day of reckoning would then arrive; Hall would soon have the power to punish the violators as in 1807."

Thus, many were disposed to *run all hazards, at all events*; Jackson's day of reckoning was to come; and Hall was to *put him down* as he did Wilkinson, in 1807, when President Jefferson called on Congress to suspend the habeas corpus privilege, in order to enable him to deal with Burr. Sedition and

threatened revolution were, by popular tumult and judicial law-making, to take the place of the wholesome disorganization instituted six weeks before by general consent: to be uprooted, when the only grievance was its continuance a few days or hours longer. For an Act of Legislature, in December, had suspended all process till May; the State courts were therefore all shut up; and, in December, Judge Hall, flying from danger, closed his court, by general adjournment, till April; so that, except perhaps some local police, there was none but martial law, with universal tranquillity, safety, and triumph. The theory, not the administration, hardly the potentiality, of common law was assailed, by arresting two considerable individuals, one a member of the Legislature, the other a judge, whose confinement could not fail to rouse public feeling, and especially that of their particular supporters. But no legislative or judicial power, federal, state, or municipal, was in action. The Legislature had suspended suits. The judge arrested had closed his court. Martial law had been instituted, and was the only law in force till revoked. Judge Hall had precisely the same right to reverse it by habeas corpus the 15th of December, when proclaimed, that he had the 5th of March, when he was arrested. Roughly enforced on him and Mr. Louallier—with such violence as to elicit the complaints of its victims and the clamor of their numerous sympathizers—nevertheless, martial law was the only law in force; and the conflict between that and common law resolves itself into mere questions of expediency, viz., was it indispensable to uphold what it was deemed indispensable to institute? and, who were best judges of that expediency?

That issue was fiercely joined on the 5th and 6th of March. But neither justice nor history must be driven from the right by the shock of the collision. On the 6th of March, while Louallier and Hall were together in confinement, and the court-martial was organized for Louallier's trial by military tribunal, Jackson received the Postmaster-General's equivocal and perplexing despatch, which left little doubt, but yet did leave it in doubt, whether peace had actually taken place. Instantly, without losing a moment, he despatched a letter to

the British commander, General Lambert, with an exact statement of the intelligence as received from Washington, suggesting an agreement, by cessation of hostilities, to anticipate the happy return of peace. Far from any desire, such as love of power might induce, to continue absolute, with an alacrity showing his anxiety to put an end to martial law, and in terms of elegant courtesy, the most attractive to the hostile commander, peace was solicited. But General Lambert declined the pacific overture, till officially instructed by his own government that ours had ratified the treaty. Thus refused the suspension of hostilities he sought, Jackson nevertheless, on the 7th of March, submitted the Washington despatch, just as he received it, to public interpretation; rendering, he stated, the pleasing intelligence of peace almost, though not entirely, beyond doubt. Next day, 8th of March, at the solicitation of the city uniformed volunteer companies, French or Creoles, who had so bravely fought, he revoked his banishment of all the French inhabitants, except the consul; and, at the same time, disbanded, with eloquent encomiums on their patriotic assemblage, the militia whom he had called out in mass several weeks before.

Still, martial law was maintained; and, as might truly be averred, by order of the enemy, not too far off to return, and, with reinforcements on the way to join them, atone for all their disasters by terrible blows. Judge Hall and Mr. Louallier were therefore kept in confinement: and, on the 6th of March, Louallier's trial by court-martial began. Protesting against the jurisdiction, he refused to answer. The court rejecting most of the charges specified against him, tried and acquitted him, on the 11th of March, of the only one taken into consideration, viz., article 57th of the Rules and Articles of War, established by Act of Congress, against holding correspondence with, or giving intelligence to, the enemy, either directly or indirectly. Mr. Louallier was found not guilty of that charge; which was, however, by his publication, within range of proof. Before news of peace reached the general, both Louallier and Hall were enlarged, on the 11th of March; but the judge banished four miles above New

Orleans. On the 12th or 13th of March, official intelligence arrived of the ratified treaty, which Jackson instantly published, with the most lively emotions of joy and gratitude to Heaven; whereupon he lost not an instant in annulling the general order of the 15th of December, proclaiming martial law; pardoning all military offences committed in the district; and discharging all persons in confinement under such charges.

Tenacious of right, yet studious of public approbation, his first appeal to it, after peace, was by disapprobation of Louallier's acquittal, in a general order of the 14th of March, by an argument that martial law, which makes every man a soldier, would have no force, but must be inoperative, if all the press may denounce, and every person defy it with impunity. Unwarrantable, unless indispensable, is the plea of dire necessity, which alone can substitute one man's arbitrary will for the consent of all developed in deliberate legislation and administration of justice. Still, the Constitution of the United States contemplates such exigencies. Nor could Jackson, fifteen hundred miles from the seat of government, needing four weeks to receive orders, wait such procrastination to cope with the crisis that beset him. For an Act of Congress to suspend habeas corpus, President Jefferson, in the height of his popularity, was able to induce but very few votes. And it is better, when martial law is declared, that it be done on individual responsibility. Twelve years after that proclaimed by Jackson, Mr. Louallier, by a pamphlet, complained of his wrongs to the public, to injure Jackson's candidacy for the Presidency of the United States. But public sentiment cannot settle a question for which a court of justice would be a more suitable tribunal. Even courts of justice are constrained by emergencies to recognise what the law considers wrong without injury. Every judge must pronounce as the law that no man has a legal right to set up his will as martial law, which every considerate freeman must deprecate as a dreadful last resort. Yet, juries might lawfully find that Louallier's confinement was not the violation of personal liberty for which perpetrators are mulcted in damages by courts of justice.

Louallier's confinement involved the right of personal free-

dom, constitutionally guarded, highly prized, and deemed a right of man by every republican American. Arrest and confinement of a judge, frustrating the writ of habeas corpus, — resented, prosecuted, and punished, by the judge inflicting a fine for them on the general — involves still more important principles. In that conflict of laws, the arbitrary and despotic power of martial law was retorted by the equally arbitrary and despotic judicial power to repress what is known as contempt of court. Self-defence is a right inherent with every individual, and all associations of persons, especially branches of government, legislative and judicial, civil and military. Courts of justice are, and must be, invested with the faculty of self-preservation. The Supreme Court of the United States carefully defined that authority, as universally acknowledged to be vested by their very creation, to impose silence, respect, and decorum in their presence, and submission to their lawful mandates. Such power, like that of martial law to defend a country from ruin, is aboriginal and indispensable, not the offspring of any grant. No common law or statute is required for what comes with the creation of the court, and which the Acts of Congress organizing courts do not give, but define; limiting it to any cause on hearing before them, as their opinion confines it to their presence or their lawful mandates. In consequence of an abuse of the power by a judge, Congress, in 1830, still further, and perhaps overmuch, restrained it to misbehavior in or near the court, obstructing the administration of justice, and disobedience to its process. In England and this country, it has always been begrudged by the people, disgusted by excesses of judges prone to use as a sword what belongs to them only as a shield: and that not for themselves, but as representing government in the administration of justice. The king in England, the people here, are the only offended parties. The angry judge, who resents and punishes his own offended dignity, is a law-breaker as unjustifiable as the soldier who resorts to martial law from any personal motive. The tyrant's plea of necessity is the only reason for repressing contempt, as much as for the enforcement of martial law. Judicial abuse or excess may be as detrimental as

military. While the judicial power is unquestionable, and no court can administer justice without it, yet power so enormous, so liable to abuse, is odious in all communities. Without citation, indictment, imparlance, ordinary proof, or trial, for a judge, by authority common to the lowest as well as the highest tribunals, to punish undefined offence, by fine or imprisonment, at discretion, however indispensable, like martial law, yet is jurisdiction which can not be strained or extended without public detriment, when the judge makes and executes the law, in his own case. Royal usurpation, in England, produced the reaction which thus subjects military to civil authority, more however, in modern times, theoretically than in reality: for the navy and army of Great Britain, much increased since then, were, even then, by so true a royalist as Blackstone, pronounced inconsistent with the principles of the British government. The American army and navy have little power of harm: yet this country inherited and exaggerates a mother-country's jealousy of army, and keeps the military in strict subordination to the civil authority. No military usurpation has ever occurred, and public welfare remains undisturbed by martial law; while, in several States and in the Union, laws, provoked by judicial abuse of the power to repress contempts, have reduced the power perhaps beyond what is indispensable to judicial self-preservation. Lawyers have so much, and soldiers so little, to do in our legislation and public opinion (except occasionally, by heroic popularity), that, while martial law is generally deprecated as insufferable, the English law of contempt is upheld by most of the more influential portion of the American community. Sprung from the Star-Chamber, that inquisitorial law militates with all the principles of British and American justice. And, when passing on the conflict between General Jackson and Judge Hall, calm, philosophical judgment must beware of the prejudices of professional bigotry as well as the seductive delusion of military glory.

Whether, as Jackson charged, and Hall did not deny, he concerted the habeas corpus with Louallier, which, if so, was derogatory to his station, at all events he knew that he had been instrumental, with most respectable lawyers, judges, and

other considerate citizens, in the imposition of martial law. He was aware that Louallier's arrest was not a case of wanton, ordinary, or malicious restraint of liberty, but that a good cause was publicly pleaded for it. He had closed his court. The State Legislature had closed all others. The only law was martial law; and however irksome or annoying it may have been, the judge knew that neither person, property, nor common business were suffering severely. Though the judge might think, with Louallier, that it was time to restore common law; that there was no longer necessity, and therefore no right to maintain martial law, still the judge was apprised that the general thought otherwise; that he was anxiously resolved to prolong martial law; wherefore, the conflict between it and the law asserted by the judge, involved the principle of general safety, more important than that of personal liberty. Louallier's application for relief, by habeas corpus, from Jackson's arrest, was allowed in March by a judge who would not have allowed it in December; but who assumed to determine that the necessity of December no longer remained in force in March.

• The judge's immediate arrest, therefore, and confinement for several days, with banishment, finally, from the city, were acts of extreme rigor, which, if illegal or unjust, rendered the general responsible to legal punishment. But was he punishable for contempt of court? After martial law was abrogated by the general's order of the 13th of March, the judge returned to the city bent on vengeance. There was no cause or hearing in court before him. No court was in session from the 15th of December, 1814, till the 22d of March, 1815. Although the Constitution of the United States forbids suspension of the privilege of the writ of habeas corpus, unless when public safety requires it, in case of rebellion or invasion, and an act of Congress authorises courts to grant the writ, yet no act of Congress defines or regulates either the privilege or the process. In Louisiana, the practice in such a case was unbroken ground. Spanish and French births attached the inhabitants to other than English or American forms of proceeding; and Judge Hall's resentment was to be satiated as

he might break the way on such an occasion. He and Dick, the United States Attorney, both English born, were probably attached to English methods. Though the District Attorney, as public prosecutor, had no authority to act against Jackson, yet, as the judge's adviser and instigator, we are informed, by Judge Martin's history, that Dick wanted Hall, by some unheard-of imitation of the vengeance of royal restorations, to take cognizance of Jackson's proceedings, not in any specified case, time, or instance, but during the whole week that followed the arrival of the messenger of peace. Strange, and, without further explanation, unintelligible as so unexampled a prosecution would have been, it was not, nevertheless, substantially beyond the judge's revengeful determination to punish the offender. Martin assures us that Hall's return to the city was greeted by the acclamations of the inhabitants; that, by his firmness eight years before, having arrested Wilkinson's illegal measures, he was therefore looked upon to show that, if he had been unable to stop Jackson's arbitrary steps, he would prevent him from exulting in the impunity of his trespass. Thus no interrupted suit was to be prosecuted, or judicial action sustained; but, without cause or hearing in court, a special court was opened, and proceedings, *ex parte*, instituted to punish a prior wrong. As Judge Martin accurately expresses it, Jackson's offence, if guilty, was what the law denominates trespass, but not contempt. And all courts of justice, except his own, were open to redress an injured man for what he undertook to punish as contempt of court in his own.

Accordingly, on the 22d of March, his court, till then closed since December, was specially opened; and, as the record states, on several affidavits or depositions, all *ex parte*, the district attorney, Dick, moved, and the judge ordered, that Major-General Andrew Jackson show cause why an attachment should not issue against him for contempt of this court, in having disrespectfully wrested from the clerk an original order for issuing a writ of habeas corpus; for detaining it; for disregarding the writ when issued and served; in having imprisoned the judge; and for other contempts, as stated by the witnesses. Such were the offences, as specified by the judge

and attorney. On testimony taken without notice to the accused, two angry individuals put him on his trial for strange misdemeanors. Detaining the petition, but giving a copy of it, did not defeat or retard the writ. Not served till after it was returnable, the writ was void. A judge arrested and confined after allowance, but before service of the writ, was subjected to personal indignity. But was it contempt of court, when none was in session, and no process had issued?

In respectful obedience to the rule of court, General Jackson appeared, and offered to show cause, on oath, why the attachment should not issue against him. But the district-attorney interrupted the reading of the affidavit, and the judge, without hearing it, adjourned the court, to consider whether he would allow it to be read. Next day, again, he stopped the reading of, and rejected it, unless on certain conditions which he laid down as applicable to such cases. Although assured that it respectfully complied with those conditions, the affidavit was nevertheless not allowed by the judge to be read; but, after hearing arguments by the district-attorney and two more lawyers for making the rule absolute, no defendant or accused party being present, the judge again adjourned, apparently to determine in what form to consummate the enforcement. Next day, the 29th of March, declaring that sufficient cause had not been shown, Judge Hall ordered the attachment to issue, returnable the 31st of the month. As this was, as the judge stated, the first proceeding of any importance for contempt instituted in that court, it is not perhaps important to ascertain whether the forms he introduced conform to established technicalities of such occasions. Certainly, they conflict with fundamental principles of English and American jurisprudence. On testimony, taken without notice to the accused, to condemn, without allowing him to be heard, is inconsistent with English and American justice. To apply such harsh regulations to circumstances which it may well be doubted whether they constitute what our law recognises as contempt of court aggravates unprecedented and arbitrary proceedings.

The court was opened on the 31st of March, 1815, for pun-

ishment of the offender, appearing before his accusers as never before culprit did, and submitting to be fined as never was contempt punished. The court crowded with Jackson's comrades in arms, and the avenues encumbered by their alarming presence, disturbed the judge's self-possession by cheering their general. A number of interrogations, for his answers, were filed by the district-attorney, designed to extract from the accused confession of his alleged offences; which, when tendered to him by the judge, the general refused to answer, because, he said, the court would not hear his defence, although advised that it contained sufficient cause to show why the attachment should not issue; wherefore the general appeared before the court, he added, meaning no disrespect, to abide its sentence. The law of contempt, as vindicated by English judges, is, that, by authority transcending power, a brilliant lustre is to surround courts and awe bystanders. Just the reverse of that philosophy characterized the intended punishment of Jackson. The judge, instead of seizing a fine occasion for illustrating judicial dignity, disconcerted, was about to abandon his duty, by adjourning the court, for fear of the military throng, when the general calmly rose, and, quelling the tumult, encouraged the judge to proceed by assurance of submission. But for that interposal, there would have been no judgment, at any rate, that day, if at all. The culprit protecting the magistrate, enabled him to execute the law, powerless without such intervention. But the judge, though partially restored to authority by such aid, was not sufficiently reintegrated to inflict punishment according to law. The judgment was, that Major-General Andrew Jackson pay a fine of one thousand dollars to the United States. But it was no part of the judgment that he stand committed till it was complied with, nor was he delivered into custody, or otherwise restrained of his liberty; but, the offender at large, the court adjourned, and, instead of being punished, the condemned left the court as free as he entered it. At the door, he again admonished the throng to respect the law, repeated that lesson to the people when arrived at his quarters, and, but for his subsequent voluntary payment of the fine, it is doubtful whe-

ther it could have been recovered. Admirers of Jackson's services and conduct subscribed and offered to pay it: but he declined their aid, and paid it himself. The sum was large, for one not rich. The judge did not make imprisonment any part of his sentence, as incarcerating the hero, for whose great victories in their defence all Louisiana was then exulting, must have further endeared him to them. Judicial authority, which every considerate republican must desire to uphold unimpaired in its utmost force and veneration, derives neither from the fine imposed on Jackson. All the circumstances of that judicial usurpation or abortion (whichever it be, if not both) tend, on the contrary, to degrade the court and dignify its victim. Of all Jackson's contests in Louisiana, with the British, the French, the press, and the judge, no one resulted more to his honor than the latter.

12 Jackson's campaigns of 1813 - '14, against the Indians, and of 1814 - '15, against the British, developing prominent features of an extraordinary man, induced his fellow-countrymen to make him their chief magistrate in 1829, and by re-election in 1835, he continued during two successive presidential terms. Four years after his retirement from the presidency, memorials presented by individuals, in 1842, to the 27th Congress, recommended that the fine imposed on him by Judge Hall should be refunded. Involved in the expensive hospitalities which are part of a President's liabilities, and also, I believe, by some debts assumed for others, Jackson was in need, when his popularity was greater than any living American's. Having always, from his first appearance in the war of 1812, been among his admirers, acting on the memorials in his behalf, I was permitted by the Committee on the Judiciary of the House of Representatives of that Congress, of which I was a minority-member, to submit a report for repaying the fine to him. At the following session of that Congress, Mr. James Pearce, of Maryland, from the majority of the same committee, made, in January, 1843, an elaborate report against refunding the fine: asserting, as I conceive, mistaken doctrines of the law of contempt and of martial law, applauding Judge Hall beyond his deserts, and depreciating General Jackson below his, not as a

military man, but as one of overbearing nature, disposed to sacrifice great principles of free government to his inordinate love of rule. As I thought that Mr. Pearce's report mistook the facts, the law, and the policy of a great occasion, I presented the subject in a pamphlet, appealing, not to merely popular, but legal and dispassionate consideration. In the 28th Congress, by change of parties, I was transferred from a minority to the majority: and, public attention being drawn to the subject, the Legislatures of several States, and the acting President of the United States, John Tyler, urged Congress to refund the fine. My pamphlet was laid on the table of every member of the 28th Congress, when it assembled, the 5th of December, 1843; and, next day, as soon as the House of Representatives was organized, before the standing committees were appointed, or any business done, I asked and obtained leave to report a bill to refund the fine. The bill was considered, on several successive days, and efforts made by various members to defeat it. John Quincy Adams, by opposition unbecoming his position, said, that we should rather subscribe ourselves and raise some money for the old man. His position, generally, and that of others who opposed my bill, was, that it disparaged the judiciary; for which branch of American government they claimed the worst, and, as I consider, untenable British power to punish contempt. On the anniversary of the last battle of New Orleans, 8th of January, 1844, then become a national festival, my bill was finally passed by the House of Representatives, 158 of whose members recorded their votes for it, and no more than 28 voted the contrary. On the 31st of January, 1844, John Macpherson Berrien, who had been General Jackson's Attorney-General at the outset of his presidential administration, reported my bill from the Judiciary Committee to the Senate, with an amendment providing that it should not be construed to imply any censure on Judge Hall, by whom the fine was imposed: which proposed amendment was rejected by a vote of 26 to 18; and, on the 14th of February, 1844, my bill, without the least alteration, precisely as I reported it, finally passed the Senate, by 30 votes to 16 — was, of course, approved by acting-Presi-

dent Tyler, and became a law. The money, in gold, then not common currency, principal and interest, was sent to General Jackson: and, what was still more grateful, a stigma removed from his republican reputation. No qualified repayment of the fine, approving the judgment, would have satisfied the beneficiary of that Act of Congress, who protested uniformly, with characteristic inflexibility, that as he had not applied to Congress, and desired no favor at their hands, so he would not accept the public tribute of repayment of the sum unjustly exacted of him, unless it did full justice to his right to declare and continue martial law as he had done.

My personal acquaintance with General Jackson was slight; and I am not well qualified accurately to describe his manners, which appear to have sometimes given offence by want of refinement. But uneducated and illiterate as he was, and coarse as he may have been, there were rectitude, sagacity, patriotism, courage, and charity enough in his nature to render him a superior man.

General Jackson died the 8th of June, 1846, and was buried the 11th of the month, as he had arranged, in the garden at his seat, the Hermitage, about twelve miles from Nashville, the capital of Tennessee. His disease was dropsy, with which he long suffered: but with constant fortitude, and never-failing confidence of future beatitude. A devout Christian, but without humility, Death was no king of terrors to him; nor had he any doubt of blissful immortality. The day of his interment was one of those still, balmy, beautiful mornings of early southern summer, when every tree was in full foliage, the earth covered with flowers, and the air perfumed with delicious odors. From thirty miles round, the neighborhood were collected to the funeral, filling the surrounding woods with vehicles, and horses fastened to branches, the horses neighing, and pawing the ground with impatience. The corpse was laid so as to present the bust to view, the face deathly pale, but fuller than life, owing to the disease, the bushy gray hair turned back over the head, the countenance perfectly serene, and looking more like sleep than death. General Armstrong, who had been one of Jackson's most faithful comrades in his

Creek war, and Judge Catron, of the Supreme Court of the United States, stood at the head of the coffin, regulating the throng as they approached in couples and were moved off, after gazing at the body. None were excluded or prevented: slaves and all had their turn, and many tears were shed.

A vault had been constructed, by General Jackson, in the garden, where his much-beloved wife was laid, and his remains were to repose with hers. Enclosed in two coffins of lead and mahogany-wood, they were laid together, the marble slab then placed over the vault, and the simple solemnities closed with customary religious exercises.

CHAPTER VII.

LAST SESSION OF WAR CONGRESS.

Seat of Government—Jefferson's Library—Pensions—Despatches from Ghent—American misapprehension of British Power—Monroe—Dallas—Halifax Campaign—Conscription proposed by Monroe—Opposed by Jonathan Mason and Christopher Gore—Death of Vice-President Gerry—Amalgamation of Parties—Army Bills—Debates—Richard Stockton's Speech—English views of American Conscription—Congress reject it—Military Substitutes—State support of War-measures—South Carolina—New York—Maryland—Western States—State Troops—Naval Measures—Bill to suppress Smuggling—Peace—Lewis B. Sturges—Welcome of Peace—Failure of Congress to sustain the Executive—President's Drawing-room—Military Peace Establishment—Discussion and Dissension on reduction of the Army—Bill to limit Navigation to American Seamen—Restrictive Laws repealed—Naval Rewards—Military Academy—Consequences of War.

CONGRESS assembled in September, 1814, in discomfort. All the public buildings of Washington were destroyed, except the patent-office, in which we met. And one of the first resolutions proposed was by Jonathan Fisk, for removal of the seat of government to some more convenient and less dishonored place. As Philadelphia was that generally preferred as the substitute, I voted for it; though now, if not then, convinced that to abandon Washington would be detrimental to the national interest, at any time, and at that crisis especially. At first Mr. Fisk, and Mr. Grosvenor, who was his chief supporter in the movement, obtained considerable majorities in the House. But dwindling at every successive vote till finally, by eighty-three to seventy-four, the project was defeated. Executive influence was strong against it, and local feeling intense: Mr. Thomas Law, a brother of the English chief justice, Lord Ellenborough, and who married a grand-daughter

of Washington's wife, and by his advice, as Law said, invested a hundred thousand guineas, which he brought from India, where he governed a province, to this country, in city lots of the federal metropolis, a man of eccentric behaviour, considerable attainments, and addicted to newspaper publications, was particularly alarmed and protestant against what he reprobated as a breach of public faith, that would ruin him and many other innocent, meritorious property-holders of vested rights. The National Intelligencer, lampooned as the Court Gazette by the Federal Republican newspaper, intimated that the President's veto was ready for any bill that Congress might pass for removing the seat of government from where Washington had fixed and named it by an act of Congress, in which Madison took an active part, by compromise and compact; to deracinate which, would violate national faith, like repudiation of public debt. Since then, Washington has quintupled its population, and, in that respect, is rendering itself obnoxious to the objection to populous towns, which was a leading inducement for transferring the seat of government from Philadelphia. While writing this (April, 1848), mobs, several thousand strong, besiege, and even assault, every night, a printing-office, stoutly defended by the occupant, accused of countenancing illegal emancipation of slaves, concerning which inauspicious topic both Houses of Congress have been daily disturbed by fierce controversy.

From the destruction of the library of Congress, as is the common result of violent injustice, sprang a library ever since accumulating, till already one of the greatest ornaments and most rational enjoyments of the Capital. On the 10th of October, 1814, Robert Goldsborough, from the joint library committee of both houses of Congress, communicated to the Senate Jefferson's letter of the 21st of September, 1814, addressed to Samuel Harrison Smith, offering his library to Congress; for the purchase of which, a resolution was immediately introduced, by unanimous consent, in the Senate, forthwith passed through the three readings, and on the same day sent to the House, there read twice and committed to a committee of the whole.

"I learn," Jefferson wrote from Monticello, his Virginia retirement, "that the Vandalism of the enemy has triumphed, at Washington, over science as well as the arts, by the destruction of the public library, with the noble edifice in which it was deposited. You know my collection, its condition, and extent. I have been fifty years making it, and have spared no pains, opportunity, or expense, to make it as it is. While residing in Paris, I devoted every afternoon I was disengaged, for a summer or two, in examining all the principal bookstores, turning over every book with my own hands, and putting by every thing which related to America, and, indeed, whatever was rare and valuable in every science. Besides this, I had standing orders, during the whole time I was in Europe, in all its principal book-marts, particularly Amsterdam, Frankfort, Madrid, and London, for such works relating to America as could not be found in Paris. So that in that department, particularly, such a collection was made as can never be again effected, because it is hardly probable that the same opportunities, the same time, the same industry, and perseverance, and expense, with some knowledge of the bibliography of the subject, would again happen in concurrence. During the same period, and after my return to America, I was led to procure, also, whatever related to the duties of those in the highest concerns of the nation; so that the collection, which I suppose is of between nine and ten thousand volumes, while it contains what is chiefly valuable in science and literature generally, extends more particularly to whatever belongs to the American statesman; in the diplomatic and parliamentary branches, it is particularly full. It is long since I have been sensible it ought not to continue private property, and had provided, at my death, Congress should have the refusal of it at their own price; but the loss they have now incurred makes the present the proper moment for their accommodation, without regard to the small remnant of time, and the barren use of my enjoying it. I ask of your friendship, therefore, to make for me the tender of it to the library committee of Congress, not knowing, myself, of whom the committee consists. I enclose you a catalogue, which will enable them to judge of its contents; nearly the whole are well bound, — abundance of them elegantly, and of the choicest editions. They may be valued by persons named by themselves, and the payment made convenient to the public. It may be, for instance, in such annual instalments as the law of Congress has left at their disposal, or in stock in any of their late loans, or of any loan they may institute at this session, so as to spare the calls of our country, and await its days of peace and prosperity. They may enter, nevertheless, into immediate use of it, as eighteen or twenty wagons' load would place it in Washington, in a single trip of a fortnight. I should be willing to retain a few of the books to amuse the time I have yet to pass, chiefly classical and mathematical, some few in other branches, and particularly one of the five encyclopædias, in the catalogue. I have not revised the library since I came home to live, except in the chapters of law and divinity. I do not know that it contains any branch of science

which Congress should wish to exclude from their collection. There is, in fact, no subject to which a member of Congress may not have occasion to refer. Any agreement you shall be so good as to take the trouble of entering into with the committee, I hereby confirm."

Jefferson was the President of genius and reform; the only one of our first ten with whom I had no personal acquaintance. In my boyhood, but old enough to consider and remember, I saw Washington; in his coach, going to church, and at other times when drawn by six horses, with several servants in showy liveries; in his graceful and commanding seat on horseback; in a court-dress, small sword, and hair in a bag, delivering his farewell address to Congress; in his drawing-room, with his secretaries, Pickering, Hamilton, and Knox, smoking the pipe of peace with a tribe of Indians, all solemn as he was; and once, as school-fellow and playmate of his wife's grand-son, Mr. Custis, I had the casual honor of dining with him in the grave and nearly taciturn dignity of his family circle, with several servants in attendance, and a secretary, Mr. Dandridge, officiating as carver. General Washington's Revolution camp-table chest, presented to Congress on the 18th of April, 1844, as a relic to be preserved, is one of many proofs that he not only loved good cheer, but, as governor or manager of men, promoted conviviality as an affair of state and convenience for business. Almost all accounts represent him as grave and stately. But I have known, intimately, ladies who danced with him; have heard companions of his pastime hours describe his enjoyment of not only the pleasures of the table, but those songs of immodest merriment, then so common a part of such pleasures. I heard an officer of his military family entertain La Fayette with a recital of some of the oaths which General Washington uttered with passionate outbreak, when disobeyed and disappointed in battle; I have seen his minute, written directions for the liveries of his servants, and concerning the choice and rent of a house; and have been assured, by a gentleman who spent some days with him at Mount Vernon, when no longer on his guard, that the once reserved and solemn statesman chatted freely on all subjects.

Chief founder of cheap and simple government, by chary

modifications of the mother-country monarchy, Washington's fortune enabled him to dispense with public bounty — to decline pay as a general and a house as President. Jefferson, incurring malediction by reforming a parsimonious republic, lived fourteen years beyond his presidency, without adequate means for unavoidable hospitality, and left his family in the bondage of debt, deploring the dire necessity of sacrificing his library. The Constitution, Acts of Congress, and custom, open the chief magistrate's mansion to great resort, after as well as during a presidency; and Monticello was a shrine for social and literary, scientific and political votaries. However beautiful, even to sublimity, in theory, is that demonstration of republican virtue, by which a ruler voluntarily retires from executive authority to powerless seclusion, it was practically attempted, in vain, by Jefferson and his presidential disciples, Madison and Monroe. Tumultuary conventicles to select presidential candidates falsify the theory of republican government like impoverished retirement forcing the sale of libraries to pay debts. Endowed with similitude to regal majesty, not only in power, but by a palace to inhabit, richly furnished at public expense, and the incumbent salaried for dignity, to be thence degraded to shifts for livelihood, and insolvent applications to Congress for relief, are vicissitudes more fatal to republican virtue than pensions. A pension-fund for those who "by long and faithful services deserve the gratitude of their country" was soon found indispensable to this; and, during Jefferson's presidency, a permanent pension system was arranged by Act of Congress: but, confined to fighting men, essentially unrepblican; rewarding warriors alone, encouraging hostilities, and altogether monarchical. Public servants, like Jefferson, who spend life in inculcations of peace and development of prosperity, are left to struggle, pine, and die, in base indigence, while the militant are profusely provided for, and nearly all their kindred. The franking-privilege for correspondence, insignificant boon, involving the whole principle of a pension, has been granted to all past Presidents and extended to their widows. But, while the value of Jefferson's moderate landed property was reduced, by his inestimable

acquisition of immense Louisiana, the purchaser, left, after his presidency, burdened with the inevitable hospitality of high position, died, fifty thousand dollars in debt. Ignominious attempts failed by private subscriptions, thereupon urged at public meetings, to relieve his family — for whom the States of South Carolina and Louisiana made some provision. But, after his granddaughters, by the drudgery of keeping school, extinguished part of their hard inheritance, his respectable grandson and executor applied at last to Congress to buy some of the manuscripts of the illustrious author of the Declaration of Independence, whose library, thirty odd years before, had been sacrificed in vain for similar relief. In some of the last precarious hours of the expiring long session of the 30th Congress (August, 1848), when the voluminous annual appropriation bill was, neither considered or discussed, but passed in the confounding chance-medley of precipitated legislation, few of the calmest, most experienced, and attentive members able to tell what takes place — the allowance for Jefferson's manuscripts, appearing in that statute, was, according to my recollection, negatived by the noisy votes of that niggard majority which consists of all parties, but mostly democratic, in American legislatures. Voting for the grant, and regretting what I believe was clamorous rejection, I presume that it must have been afterwards, without my perception, sanctioned by one of the many irregular methods by which, on such occasions, minorities enact laws. For practice often contravenes the theory of making laws, as it does that of choosing Presidents.

That surreptitious alternative for a pension is not the first or only instance when virtue, said to be vital to republics, disappears from legislation, lest republican virtue should be prejudiced by a pension. In the confusion of the last day of the first session of the 16th Congress (22d May, 1826), a bill, entitled for the relief of James Monroe, neediest of all the Presidents, was hurried to enactment, granting nearly \$30,000 to him, "in full of all demands against the United States." Perhaps it does not conflict with that condition that, on the last day of the last session of the 30th Congress (March 3d, 1849), \$20,000 more were granted, "to purchase the books and

manuscripts of the late James Monroe." At the same time, another \$20,000 were appropriated, "to purchase the *remaining* manuscripts, books, and papers of General George Washington." For, long after his death, that clear and venerable name appears on another Act of Congress, granting money for effects, which, however valuable, if living, he would never have sold. On the 31st of May, 1848, an Act of Congress appropriated \$20,000, "to purchase of Mrs. D. P. Madison, widow of the late James Madison, formerly President of the United States, all the unpublished manuscript-papers of the said James Madison in her possession," and created trustees for the preservation of the sum granted, because a like sum, given by a prior Act of Congress, had been squandered by a member of her family. Congress, in 1814, as before stated, refused any allowance to the indigent family of Vice-President Gerry, who, after a long life spent in public service, almost died in his seat in the Senate. A subsequent Congress granted a considerable sum to the family of Vice-President Tompkins, in full payment of certain claims for military expenditures by him in the war of 1812; notwithstanding which payment in full, a subsequent Congress granted another considerable sum. The widow of President Harrison was allowed \$25,000. The sum granted by Congress to reimburse past President Jackson the amount of the fine imposed on him at New Orleans, besides being deemed an act of justice, was also not without the knowledge that his home at the Hermitage was overrun by guests, sixty of whom in one day would claim his hospitality.

These sorry subterfuges, by which pensions to public benefactors have been avoided, for civilian services, while the military are pensioned with extravagant profusion, demonstrate, I think, crude politics, and falsify, in practice, the theory of republican government. Jefferson, Madison, Monroe, and Jackson, survived the presidency, to suffer by the position exacted of them as much in retirement as in office. Would public virtue suffer more from an allowance to past Presidents, for decent dignity, than by the erratic contrivances, for their relief from debt, which our code exposes? Shortly before his death, when too feeble to leave his couch, but his in-

telleet still as bright and his patriotism warm as ever, without the possibility of a selfish motive, — with no feeling but for the honor of his country — Madison said to me, that pensions for past Presidents ought to be part of our republican system: he even named the amount — \$5000 a year. “They cannot,” he said, “without discredit to their country, shut their doors against the numerous guests, whom they must receive with respectable welcome.” Clandestine and surreptitious grants, wrung from Congress at midnight, react from the rejection of permanent provision for the proper support of those who, when out of office, are still before the public; and to whom individuated allowances by annual Acts of Congress would be liable to none of the well-founded objections creating just prejudices against pensions as often misapplied in Europe.

Washington declined the residence proposed for him as President. Modern Presidents might imitate that wise reserve. For why should a President inhabit a palace to-day, if liable to dwell in an almshouse to-morrow? — keep a palace of public entertainment as President, and then be reduced to a hermitage? Luxurious and ostentatious living is no part of the presidential function. But not to spend in refined hospitality all that Congress allow a President, Washington, Jefferson, Madison, and Jackson, deemed inconsistent with an elevated position. The fate of impoverished families may induce successors to hoard what was given to spend: till, for want of a just and moderate pension-system, the presidency is sought, not for honor, but gain.

As a democratic member of Congress uniformly voting for these irregular, but indispensable gratuities, I submit them as deplorable consequences of the retrograde reform and costly parsimony sometimes deranging republican government and impairing its virtue. The sale of Jefferson’s library was the first step in that decline, of all others the most dangerous, which renders ambition the slave of want, and avarice wisdom.

The discussion and votes in the House of Representatives on the purchase of Jefferson’s library betrayed the English

prepossessions of some, the narrow parsimony of others, the party-prejudices of nearly all. We went into committee the 17th of October, 1814, Joseph Lewis, of Virginia, in the chair. Mr. Thomas Oakley, now judge in the city of New York, Mr. John Reed, now Lieutenant-Governor of Massachusetts, and Mr. Grosvenor, opposed the bill, objecting to the number of books in foreign languages, particularly French, and many of them the writings of Voltaire, Rousseau, and the other literary apostles of the French Revolution. Nor did English works of progress and speculative freedom, such as Locke's, escape animadversion. The downfall of the French Empire, which crowned the Revolution of that country, — the triumph of absolute government, said to be the natural offspring of revolution — and the alleged failure thereby of Jefferson's political doctrines, which have since so generally been established in the Old World and New, encouraged those who admired those American institutions which are least original and most European to repudiate his as dangerous novelties and modern democratic experiments. There were eminent lawyers in the House of Representatives disposed to banish from American knowledge the great lights of literature which have shed, with the American Revolution, their vivifying influence on the stagnant pool of European intellectuality. To these shortsighted views answers were made by Dr. Seybert, Governor Wright, Bolling Robertson, Mr. Clay's successor, Joseph Hawkins, and John Forsyth. When the committee, after negating several attempts to frustrate the purchase, rose, and reported the bill as it came from the Senate, without amendment, Cyrus King moved, in the House, to limit the purchase to "such parts as the Library-Committee might judge suitable," which was designed to exclude French progressive and philosophical works, and for which motion John Reed, Timothy Pickering, Timothy Pitkin, Richard Stockton, and Daniel Webster, with, altogether, 47 members, voted; while William Gaston, Moss Kent (brother of Chancellor Kent), and other Federalists, voted for the books. Mr. John Reed then made an appeal to the well-known parsimony of many Republicans; and, on his motion to limit the price to \$25,000, the House adjourned. Next

day, the debate was sharply resumed by Mr. Oakley, Mr. Pickering, and Mr. John Reed, warmly opposed by a young Federalist of the Massachusetts delegation, John C. Hurlbut, who, in a maiden-speech of much vivacity and force, advocated the purchase of the library. Only 37 voted to reduce the price one-half; among them Nathaniel Macon, who never failed to demonstrate his always peculiar, often eccentric, and sometimes extravagant, economy. Mr. Gaston, Mr. Hanson, Mr. Webster, Mr. Kent, even Cyrus King, Mr. Oakley, and Mr. Pickering, Mr. Sturges, and Mr. Law, sided with us on this money-vote. Mr. Pickering then moved to insert "such books in the library of Mr. Jefferson as in the opinion of the Library Committee would be proper to be received and deposited at the seat of government for the use of the two houses of Congress," for which several of our side, Macon, and a few more, voted, with most of the federal party, including Mr. Webster: but Mr. Gaston, Mr. Hurlbut, and Mr. Kent, to the last, adhering to the books. By 66 to 52, the bill was finally sustained and became a law. But of the kind of opposition that it underwent, literary and political, the speech of Cyrus King, a sincere and not uninformed gentleman, affords ideas of the vehement hatred of French literature prevalent, through English prejudices, in this country. "It might be inferred," he said, "from the character of the man who collected it, and France, where the collection was made, that the library contained irreligious and immoral books, works of the French philosophers, who caused and influenced the volcano of the French Revolution, which had desolated Europe and extended to this country. He was opposed to a general dissemination of that infidel philosophy and of the principles of a man [Jefferson] who had inflicted greater injury on our country than any other, except Mr. Madison. The bill would put \$23,900 into Jefferson's pocket for about 6000 books, good, bad, and indifferent, old, new, and worthless, in languages which many cannot read, and most ought not; which is true Jeffersonian, Madisonian philosophy, to bankrupt the Treasury, beggar the people, and disgrace the nation."

For that library and its subsequent accretions, a good apart-

ment, 92 feet long, 34 feet wide, and 36 feet high to an arched ceiling, with an outlet into a western colonnade overlooking the city of Washington, was added to the centre of the Capitol, in 1825, as first contemplated, in 1814, in which the library, now exceeding 40,000 volumes, is conveniently kept, in a series of alcoves, supporting galleries divided into twelve recesses to correspond with the alcoves, containing, by Jefferson's plan, the books arranged according to the mental faculty producing them: first, history, from memory; second, reason, from philosophy; third, fine arts, from imagination; and thus classed, in the many branches of literature and science, connected with each principal mental division. Yet small, compared with the great European libraries, the Congress-library is nevertheless a comfort to those members who prefer books to the sensual dissipations of Washington, — a repository of information indispensable for all, and, among the architectural pomps of the Capitol, an intellectual luxury the most rational and edifying in that republic of letters which should flourish most under republican governments: and which the American Republic, eldest and stablest of modern representative and federal republics, should strive to fulfil the destiny of developing, beyond Greek and Roman, ancient or modern, by rendering learning a power greater than arms or any other physical faculty.

The first despatches from Ghent seemed almost to unite both parties in Congress for vigorous hostilities, even though Madison's administration should wage the war, enjoy its official patronage, and disburse its large expenditures. Still, Eastern disaffection continued implacable, and the Hartford Convention was hastening to disastrous consummation. The President's adroit communication to Congress, in October, of insufferable British demands at Ghent, converted a few Federalists to vote for supplies; but not many; nor did the fit of patriotism last long. Mr. Oakley said that, though the terms were inadmissible, yet union of parties in war-measures could not be expected under a party-administration. On the 24th of October, 1814, speaking on the land-tax, Mr. Webster said, the war was not of his making, nor would he help by his votes

to wage it. He did not believe that Mr. Madison's administration could make any peace. But, as the war was its contrivance, so must peace be; both war and such peace as it could bring about, without any of his agency. The National Intelligencer, constantly, since the Ghent despatches, beating for recruits from the opposition, published, next day, that Mr. Webster would vote for taxes. But, on the following day, 27th of October, was obliged, by unquestionable authority, to confess its error. Cyrus King, on the 22d of October, gave us the full blast of Bay-State virulence. "This is a French war," said he, "which I cannot support. All Europe so consider it, especially the great and good Alexander; and England will make no peace with this administration. I shall vote against all war-taxes. Massachusetts is commanded by Dearborn, disgracefully recalled from Canada, and New Hampshire by Chandler, disgracefully captured in Canada. Madison's administration is less hostile to Old England than New England, not one of whose members, in this House, has been put on the Committee of Ways and Means."

Still, the first despatches from Ghent had great effect upon the country; and but for the second despatches, communicated on the first of December, perhaps Congress might have been rallied to support the Executive. For with the first despatches came intelligence that a large army was on its way to invade the South, and the crisis was unquestionably alarming for the whole country. In the midst of our slow deliberations, Colonel Brooke, who, by General Ross's death, succeeded to the command of his division, sailed with it from the Chesapeake, on the 14th of October, for Jamaica, to join the great expedition preparing for St. Augustine and New Orleans. Pursuant to orders of the 10th of October, from Washington, Governor Early called out 2500 Georgia militia, under Generals Macintosh and Blackshear, to rendezvous at Fort Hawkins, and co-operate with General Jackson, whose brilliant campaign began soon after by the capture of Pensacola, on the 7th of November.

Other chapters of this Historical Sketch have shown how triumphant our war was, by simultaneous victories at New

Orleans and abortion at Hartford. But as the tide of triumph turned in our favor, and, except in one disgraceful discomfiture, American arms and diplomacy were wonderfully successful, Congress, misrepresenting the people, as they often do, deserted the Executive, whose military plans were frustrated, like their financial. Taxes, volunteers, and militia, ships of war, privateers, and on the lakes noble fleets, the President got from Congress. But a regular army he could not induce all the war-supporting members to vote. And our failure in Congress was ascribable more to relaxation of hostile compulsion than any other cause. As our forces by sea and land worsted the British, their ministers at Ghent lowered their tone. And as they moderated, we ceased to be determined and united. When Great Britain, intoxicated by prodigious successes, and blinded by incurable contempt for the United States, treated our ministers at St. Petersburg, London, and Ghent, as suppliants from a distracted and dismayed people, whose life and property were demanded at the mouth of British arms, a spirit of general national resistance was elicited. The realizable means of the United States required only vigorous government for their development. The American body-politic was youthful, patriotic, and confiding. The nation was not more impeded by Eastern disaffection than England by Irish. Our currency, the vascular system of commonwealths, was not much more distempered than the English. British credit, indeed, was immense, while American credit was extremely feeble. But our resources were real, while theirs were factitious. Their unjust hostilities made our war defensive, whatever casuistry might say to the contrary of its beginning. All maritime Europe looked on, coldly to be sure, but, from the Congress of Vienna in all directions, to perceive that our flag on the ocean was that of emancipation from the British dominion which by sea subjugated all before it as offensively as ever Napoleon did by land. A never-sleeping English opposition watched and arraigned government. All considerate Englishmen saw that the ministry were waging a war of conquest, of vengeance, and of inhumanity. Why they persisted, whether for spoils, or only for revenge, we do not know. But,

even when their largest expeditions were on the way across the ocean for the greatest efforts of invasion, the British government and their ministers at Ghent must have received, from various quarters, remonstrances and admonitions like the following, published in the Quebec Mercury of the 29th of November, 1814, complaining of English ignorance of American boundaries and distances, and the difficulties of defending such vast territories, truly describing it as —

“A seat of war, compared with which, Europe is of little more extent than a German principality. How many ships of war are on the American coast, and yet how inadequate are they to a full blockade! How many British troops shipped off to America, yet how small a part of the Canadian border are they able to cover! Late European wars have taught the science of numbers, but England must come to America to understand space. With some idea of this vast continent, let them learn the difficulties of concentrating forces on its borders, the still greater difficulties of supplying them, the hardships and diseases to be suffered; the annoyances of British commerce, whitened as the ocean is with it, by American privateers, hard to catch, poor prizes when taken, and whose mischiefs cannot be retaliated on a nation, though deprived of its foreign commerce, still living in plenty without it.”

Such English warnings to their own government are inestimable lessons to ours, which that war taught that in conflict between the United States and Great Britain, this is the strongest party, suffers least, and inflicts most injury; although a contrary sentiment is the chorus of American colonial and seaport misapprehension. If the boundaries of Maine or of Oregon are in question with England, such occurrences as those of the *Caroline* and the *Creole*, arranged by the Ashburton treaty in 1842, the false position of all our administrations is, that the alternative is treaty or war. No such alternative has ever been presented. Since the peace of Ghent, there has been very little danger of war with England, because she knows that nothing is to be gained by it. English boasts, and American fears, indeed, abound to the contrary, of which some extracts are here inserted.

“The Confederacy, it is well known, was on the very verge of being dissolved when, *at the conclusion of the late general war*, from a generous feeling and, we may say, an *heroic spirit of forgiveness*, England held out

favorable terms of peace. What England might at that time have done most justly, *she could have done with all imaginable ease*, namely, crushed the whole fabric of the federal government, already tottering, through the disaffection of the Eastern States. *Ten thousand of the men that had fought at Waterloo would have marched through North America*; but the world was already glutted with war; and instead of *pursuing* the revenge of past injuries, England had the magnanimity to offer the olive-branch to her only remaining and feeble enemy."—*Quarterly Review*, Jan. 1828, p. 264, 265.

"*The few months of hostility that have passed since the termination of the revolutionary war excited, at the time, no rancor, and but little notice, in this country; our rancor, our affections, and our hopes, were all too much concentrated in the magnificent contest carried on in the theatre of Europe to allow any considerable portion of attention being directed, or any animosity extended to,*" &c. &c.

"We need hardly say there is not a captain in the British navy that would not, in the event of a contest, be delighted to meet with the Pennsylvania, while in command of the Caledonia."—*Quar. Rev. Jan.* 1828, p. 274.

"We will not suppose that America is so insensible of the benefits of peace, as to be rash enough to commit any direct act of hostile aggression that can possibly *call down upon her* so tremendous a scourge as that of war with England, a war that might be *fatal*," &c. —*Quarterly Review*, Jan. 1828, p. 290.

These sentiments, natural, perhaps laudable in England, become extremely pernicious by American adoption. Perpetual peace with that country, so much to be desired, and, if possible preserved, will always be endangered by perpetual fear of war. Peace, always grateful, war, always dreadful, yet the treaty of Ghent put an end to the war of 1812, before the United States were constrained, by hostilities, to put forth all their energies. The war was just beginning when it ended.

The capture of Washington was the grand climacteric that closed the cycle of American disaster and disgrace. The first demands at Ghent put an end to further importunity for peace. Monroe in the War Department, and Dallas in the Treasury, lifted the Executive to conceptions of device, exertions of labor, and assumptions of responsibility, commensurate with the crisis. Congress were called upon for acts, which, if even of questionable constitutionality, were indispensable, and popular as energetic measures always are: the dormant resources of republican ability, called forth from severely-

tried, but rather exasperated than disheartened freemen. A country, like an individual, must be put to trial, in order to realise its power of endurance and fertility of resource. A free country, throbbing with the prodigious vitality of representation, in millions of manly bosoms, discovers unknown resources, far exceeding the faculty of arbitrary government, whose greatest efforts are primordial, whereas popular courage, inert at first, greatest when most tasked, becomes fortitude, and endures, increasing, to the end. If Congress had sustained the Executive, and England had persisted in her first demands at Ghent, indeed at any rate, a great endeavor would have been made to drive her from the American continent. Failing, as Congress did, to enact all the Executive recommended, and a large majority of the people desired, still, with the events of 1814, American and European, the nation having no occupation but war, in 1815, inured to, would have waged it with vastly greater force than theretofore.

A plain, slow, laborious statesman, without visions or fancies, James Monroe returned from his French, Spanish, and English missions, deeply impressed with a bitter conviction that nothing but war would ever make England do justice to, or Europe respect, his country. His revolution and republican aversion was sharpened to personal, if not patriotic malice, by social as well as political indignities, which, as he complained, a representative of the United States underwent in England. During the twelfth Congress, he urged the committee of foreign affairs, and all the young and ardent advocates of war, the Clays, Calhouns, Porters, Cheves, Lowndes, Grundys, and others, to appeal to arms; and was largely instrumental in overcoming Madison's reluctance for that resort. The report of the committee of foreign affairs vindicating it, commonly ascribed to Mr. Calhoun, I have reason to believe, was Mr. Monroe's composition. The original fair draft, in the hand-writing of Thomas L. Brent, Monroe's confidential clerk and amanuensis, afterwards chargé d'affaires in Portugal, is now in the office of the clerk of the House of Representatives. During the last days of the contest, at past midnight hours, stolen from the eternal labors and harassing cares of

the Treasury Department, Dallas wrote his admirable manifesto of the causes of the war, largely cited in my first volume, intended for official publication, if the war continued; the production of a tropical American, born in the island of Jamaica, with all the fire of an ardent clime. To those two members of the administration, Dallas, a man of genius, learning, and elegant address; Monroe, without either of those qualifications, but with the practical training of a whole life spent in public service and high stations, legislative, diplomatic, and executive, together with some military experience, the war is much beholden: both men of great moral resolution. Taking lessons from his predecessor's failure in the War Department, and assuming it when the army had passed from novitiate to confidence in itself and the confidence of the country, Monroe's scale and method of operations were much more comprehensive, bold, and original. Like his presidential stand, as Madison's successor in 1823, against further European encroachment in America, his project for raising an army of a hundred thousand regular soldiers by classification, without enlistment, and marching them, under Brown and Jackson, through and with the aid of New England, for the capture of Halifax, achieving, thereby, conquest of Canada and expulsion of the English from the north-east of this continent, were schemes of bold importance; an account of which, though neither was carried into effect, are interesting parts of the legislative, constitutional, and military, history of that period.

The Halifax campaign, mentioned in my first volume, page 75, was Monroe's design for the hostilities of 1815; to exterminate transatlantic power on the American continent, both territorial and maritime; transfer the empire of the seas from Old to New England; convert the treacherous disaffection at Hartford into patriotic development of the war, and combine the East with all the rest of the Union for the national expulsion of England from America. The early suggestion of Wilkinson and Pike, both soldiers of considerable attainments, submitted to Eustis as Secretary of War, and rejected by him, when the whole army of the United States did not contain forty officers of scientific or adequate capacity; then, through

Colonel William Duane, a man of extensive military theoretical information, communicated to Armstrong, who was too much absorbed in the selection of capable officers for organizing a good army, which was his work as War-Secretary, to meditate other undertakings — the project was finally embraced, appreciated, and undertaken by Monroe, with tranquil conviction, and blended with a political counteraction of the Hartford Convention, to convert that plot into patriotism. The rank and file, the yeomanry, the peculiar but patriotic *plebs*, of New England, to a man republican, and nearly all inflexibly attached to the American Union; the talismanic trident of British naval supremacy shivered to atoms, for all moral influences, while still predominant by mere superior force, scattered in fragments on every sea, lake, and river, from Canada to Louisiana; the once terrible mariners and soldiers of England, no longer invincible, vanquished by land and water in unequal combat with American victors; the savage allies of Great Britain, from Mobile to Lake George, reduced by sanguinary defeats to abject subjugation: — yet England seized the Newfoundland fisheries, held part of Massachusetts conquered, insisted on the impressment of American seamen, the sovereignty of Indian tribes within the States, and the exclusive possession of all the lakes. Then and therefore it was that Halifax was to be wrested from her by New England; and Brunswick, Nova Scotia, and Canada, added as new pleiads to the Northern Constellation. An expedition from New England to Halifax, even as a mere demonstration, would draw the enemy from the Atlantic coast and the Western frontiers, and disturb his Southern designs. Hostilities transferred from the centre and West, localized in the East, with large public expenditures there, were to engage and enrich a calculating population, by adding the temptation of individual gain to that of the aggrandizement of all New England. Halifax, a seaport of one of the Eastern States, would put an end to British dominion in the New World, and much reduce its naval ascendancy in the Old. Without Halifax, there could be no British refitting, victualing, or smuggling, in America. Neither British army nor navy could be retained in this hemisphere. One winter, with-

out Halifax, would annex Canada to the North-eastern States by the mere exclusion of all European communication. Halifax, the nursery of English fisheries, the landing place, if not head-quarters, of their armies, the best harbor for their navies, is the right arm of Anglo-American power, the quarter whence she searches the sea, by proclamation blockades whole coasts, establishes illegitimate contraband, and all the other unjust police of British admiralty-law, against which every maritime people of Europe have by turns in vain contended, and which it is the destiny of this republican empire to put an end to. There never will be perfect peace or undisturbed prosperity for the American people represented in Congress assembled at Washington, or unquestioned stability of their Union, till Halifax has a member in that Congress.

In the middle of October, Monroe, acting-Secretary of War, submitted his plans to Congress. Powerfully and fiercely resisted as they were in both houses, denounced and defied by State legislatures and others in New England, I believe they would have been enacted and effected, but for the second despatches from Ghent, communicated to Congress on the first of December. Much more moderate and pacific than the prior despatches, laid before Congress in October, the last fell from *sine qua non* to *uti possidetis*, and, if New Orleans had fallen, were more dangerous than the first. But, at all events, they acted lamentably on Congress. The war-pitch fell as much at Washington as it did in London. The salutary apprehension of October turned to hopeful confidence in December. The nerve of opposition was strung afresh. Taxes the war-party could carry, and double them. But a military organization, such as the crisis and the Executive demanded, could not be accomplished. Dallas was refused his bank, and Monroe his regular army: both by votes of their own party, uniting with the opposition. Indeed, perhaps the intensity of effort for a bank proved detrimental to the exertions indispensable for an army.

On the 17th of October, 1814, the new Secretary of War, Monroe, by letter to George M. Troup, Chairman of the Military Committee, submitted the executive plan for reorganizing

and increasing the military force of the country. On the 27th of October, Mr. Troup, from that committee, reported to the House of Representatives, a bill for classification, a second bill to increase the regular army, and a third bill to authorize the President to accept volunteers. "Great Britain," said the War-Secretary, "requires terms spurned by the American nation, preliminary to negotiation and sine qua non to peace. The regular army is too small to resist her vast power; the process of recruiting too slow to fill the ranks in time; to call out masses of militia and march them far from home too oppressive and expensive, without taking into account a constitutional objection to it." The first bill then proposed to divide the white male population of the United States, between 18 and 45 years of age, by assessors, into classes of 100 each, compellable, under penalty of a considerable fine, to furnish, within thirty days, each class one man and keep him in national service. The second bill proposed to add forty regiments to the regular army, estimated at a nominal number of rather more than 60,000 men then, so as to make it exceed 100,000.

Comparing the expense of militia with regular troops, to resist the combined land and water attacks of England, the Secretary estimated that of the militia as three times greater than regulars. Not less than 100,000 regular troops, therefore, must be in the field next campaign, with which to deter the enemy from predatory and vexatious inroads on our Atlantic coasts and towns, by carrying the war into his Canadian possessions. Classification was the method of raising these recruits, from which no one was to be exempted, except the President of the United States and governors of States. The bounty, in land and money, paid to idle, drunken, vagrant recruits, to seduce them into service and secure them by force, in money amounted to \$126, and in land to 160 acres, each one. Instead of that, not government, but the inhabitants within the precinct of the class from which the draft was taken were to pay equally, according to the value of their property: if not paid within a given number of days, to be levied on their property, and repeated, in like manner, whenever a substitute

was to be raised for the first recruits. Recruits thus provided were to be delivered to the recruiting officer of the district, and marched to places of rendezvous designated by the War Department. Three modes were suggested for the classification: 1. by the county courts; 2. by the county militia officers; 3. by persons in each county appointed for the purpose; and the Secretary's fourfold plans were thus argued:—

Firstly. The constitutional right to compel recruits, by drafts, cannot be doubted. Congress may raise armies, without restriction of the mode; and it would be absurd to suppose that it can be done only by volunteers. Discipline is indispensable; courage, mechanical; all the citizens composing a commonwealth have a right, collectively and individually, to each other's services to repel danger, as legislation may prescribe the manner, of which the militia is conclusive proof and example, and drafting is not more compulsive. The federal power of the militia is limited, but that to raise armies is granted without limitation. Drawing men from the militia into the regular service, under regular officers, does not violate the constitutional right of the militia to choose their own officers; for the men are not drawn or drafted from the militia, but from the whole population. When enlisted, they do so as citizens, not as militia; which, nevertheless, they all are by enrolment. All the people of the United States are enrolled as militia, and if they cannot be drafted into the regular army, how can they be enlisted? Setting forth the merits of this method, in its complete equality, and rapidity of execution, the Secretary intimated that, should it be objectionable on account of the proposed tax on property, it might be paid by the federal government, fifty dollars in money to the recruit when engaged, and one hundred acres of land to the drafted man, in addition to his then land-bounty, during every year of the war's continuance.

Secondly. Distribute the whole militia of the United States, according to age, into three classes, to serve each two years, when called into actual service.

Thirdly. Exempt every five men from militia service who supply one to serve during the war; a mode, by the advan-

tages it gave to wealth, admitted to be unequal, and otherwise injurious.

Fourthly. If these three modes are rejected, then recruit as heretofore: but, instead of one hundred and sixty acres of land, give one hundred every year the war lasts. The first plan the Secretary preferred, as likely to be found more efficient against the enemy, less expensive, and less burthensome to the people. It has the venerable sanction of our Revolution, in which great struggle it was resorted to, and with effect, to fill the ranks of the regular army; and, he added with great but unavailing truth, if the United States make this exertion, it is probable that the contest will soon be ended.

Many, though never a majority of even the war-party, seconded this plan, which was resisted and denounced by the peace-party with extreme aversion, as conscription, though, in fact, no more than a direct tax of two dollars worth of military service, or the alternative in money, contributed by each of the whole people of the United States; but so like a measure of revolutionary France, used and abused by Bonaparte, as to be obnoxious to the most fallacious misrepresentation, as soon as proposed. Early in November, the Senate of Connecticut resolved that the conscript-bill before Congress was unconstitutional, tyrannical, and oppressive; and directed the Governor, as soon as informed of its enactment, speedily to convene the Legislature, to pass such laws as should be necessary to protect citizens of that State from such oppression. The House of Representatives concurred in that resolution by a large majority, including many democratic votes; and vexatious legal resistance to an act of Congress would have ensued, if the conscription had been attempted in Connecticut.

Instead of that plan, which was not favored in the Senate, the chairman of the military committee, William B. Giles, on the 5th of November, 1815, reported a bill making further provision for filling the ranks of the regular army, and a bill authorizing the President to call on the States and Territories for their respective quotas of eighty thousand militia, to defend the frontiers of the United States. But in the House of Representatives, the chairman of the military committee, Mr.

Troup, who was a zealous and able advocate of classification, on the 27th of October, 1814, reported the bill for filling the ranks of the regular army by classing the free male population of the United States; a second bill to provide for the further defence of the frontiers of the United States, by authorizing the President to augment the military establishment; and a third bill to authorize the President to accept the service of volunteers. Classification, denounced as conscription, never was fairly the subject of discussion, though largely debated in both houses, on the militia-bill, which alone was taken into consideration, and finally passed. On the 14th of November, 1814, the vote in the Senate on the militia-bill was but sixteen to fifteen against Joseph Anderson's motion to strike out two years, the proposed term of service. Senate debates, since so much more copious and profusely published than those of the House, were then little published, and rarely matters of the public attention since given to them. The *National Intelligencer* published but few Senate speeches, especially from the time when a national bank became the engrossing topic. Long and able arguments, however, were presented to the Senate against the military bills, by several of the federal members, among whom Mr. Jonathan Mason took the lead.

"Authority for Congress to raise and support armies," he said, "is all the power they have on the subject. Can they by it force such part of the population and for such period as they please into the regular army? Power so transcendant and dangerous should be derived from plain terms. The military power of the United States consists of a regular army, without limitation, and the militia of the States, in certain emergencies and with certain limitations. The militia must serve under their own officers, within the States, and for short periods: three conditions inseparable from their service. Over the regular army the United States have unlimited power. But voluntary enlistment, as derived from England, is the only method contemplated by the Constitution for the mode of raising it. Forcibly to raise armies prostrates rights of person and property, by authority not given by the Constitution. If the power to raise armies be unlimited, it is greater than the power to tax, which must be uniformly exercised; whereas Congress might, if the power of conscription be granted, exercise it altogether in any one State, or even part of a State. If government may forcibly raise an army, why not forcibly support it at free quarters? Empowered by the Constitution to provide and maintain a navy, may the men for it be impressed? when it is against impressment the nation is now at war. Conscription annuls the

State-power over militia: for it is power to take by force, for the regular army, all persons capable of militia-service. The States, in time of war, may constitutionally maintain regular armies: which, abandoned by the federal government, several States are now organizing. May the federal government force them all into its regular army? Thus deprived of their militia and regular army too, what would be left for defence of the States? If, as is asserted, every government has a right to the personal service of its citizens, and may compel it, that right exists, in this country, in the States only, and is not one of the powers delegated to their Union. The Secretary of War admits that men cannot be forcibly taken as militiamen, contending that they may be as citizens. But that is a distinction without a difference, which even Mr. Giles does not rely upon. That part of the project which proposes a tax to raise the bounty within the precinct is incompatible with the whole taxing authorities of the Constitution. The French Emperor's cruel conscription for the subjugation of Europe allowed certain exemptions. But ours has none. Judges are to be taken from the courts, professors and scholars from seminaries of learning, to make a military nation, an ambitious government, and perpetual war. Such a measure cannot be submitted to, but ought to be resisted. Although the present is not the conscription-bill, yet the militia-bill authorizes the enlistment of minors. But enlistment is a contract, which can be made only with persons capable of contracting. No legal enactment can remove the disability of idiots or infants. Twenty-one years of age, established by the feudal system as the period for military service to begin, has been adopted by the English common law and by the laws of all these States. All contracts of apprenticeship regard that period: and the federal Constitution is made with a view to it, when it authorizes the raising of armies by voluntary enlistment. Has this government the power to break the contract of apprenticeship? The Congress of 1776 ordered all minors to be discharged from their army. Our Act of the 16th of March, 1802, punishes their enlistment with penalties. And the English statute, which Mr. Giles has produced to show that minors are enlisted in England, allows four days for release from incautious and hasty enlistment. It is extremely impolitic, moreover, thus to debauch our youth and to deprive our infant manufactures of their help. An army of 140,000 men, most of them educated to military habits, will be dangerous to liberty. Mr. Giles spoke of the regiment of London apprentices by which Cromwell gained the battle of Naseby: but the same regiment aided him to overthrow Parliament and introduce an odious usurpation, which some military demagogue may imitate here. Strong measures are said to be indispensable to save the country. Strong measures, beginning with the restrictive system and ending in this deplorable war, have brought it to the brink of ruin. The administration, by the terms of peace they offer, abandon the alleged causes of their war as declared. Without satisfaction for the past, or security for the future, they long to go back to where they began; a war unnecessarily begun, and badly carried on, with profuse waste of treasure and destruction of public credit — what has it all done? When

the nation passed into the hands of the party in power, it was prosperous, with extensive commerce and ample revenues. Repealing judicious taxes, they still had impost enough. Yet now, even by borrowing, we can get nothing; and the war-debt will double that at the end of the Revolution. Even the cannon for the two ships of the line built in New England are to be transported from Washington, 500 miles, at enormous expense. Waste and profusion are as notorious as the empty treasury. What the navy and army have done is their work, for which the administration deserve no credit. An army is employed to protect the fleet on Lake Ontario. The large vessels of war last year authorized by Congress are none of them sent to sea, but cooped up in harbors, most of them of New England, protected by militia unpaid, and a large part of Massachusetts held by the enemy, without an effort to retake it. Idle and fruitless attempts to conquer Canada have employed the army and navy, and exhausted the funds of the nation. During three campaigns nothing has been gained. Yet the Secretary of War calls for more men for Canada, — he who lately fled with dismay from the handful of men that took this capital. For defence, and restricted to it," Mr. Mason said, "he would vote to Madison's administration means as long as they are clothed with constitutional authority. But only for defence, which, if abandoned by it, the State governments would undertake."

Joseph Varnum, Robert Goldsborough, Jesse Bledsoe, Christopher Gore, Obadiah German, and William B. Giles, continued the debate in the Senate. Mr. Giles pronounced the French conscription, "but for the bad uses made of it, the best and most equitable system ever devised." Mr. Gore declared that, if there remained any of the spirit of liberty which impelled our ancestors to deeds of glory, and, under Providence, achieved our liberties, the militia-law would be resisted, and he had no difficulty in adding that it ought to be resisted. In the name of his venerable friend, Mr. King, confined to bed by illness, Mr. Gore moved to recommit the bill, with instructions to "call forth militia for nine months, with an option to the several States, in lieu of such detachments of militia, to raise and furnish for the service of the United States, for the term of two years, unless sooner discharged, bodies of State troops equal in number to their respective quotas of militia; such State troops to be organized, armed, and equipped, according to law; their officers to be appointed by the respective States; their services to be limited within the States in which they should be raised, or within an adjoining State; to be subject to the rules and articles of war; to receive the same pay,

clothing, rations, and forage, and to be entitled to the same privileges and immunities as the troops of the United States." Christopher Gore, one of the Massachusetts Senators, was a gentleman of good appearance, manners, and repute, not violent or excessive by nature or habit; but, from several years' residence in England, during that country's land-reverses and sea-successes in war with France, shut up in her insular seclusion, and overpowered by English prejudices, had imbibed English aversion to every thing French. During most of the seven years of Mr. King's American mission in London, Mr. Gore lived there, as one of the commissioners under Jay's treaty concerning claims, in close intimacy with Mr. King, who shared Mr. Gore's English notions of Bonaparte, conscription, and other French objects of English abomination. Their families, intimate in England, lodged together at Georgetown, in the District of Columbia; gentlemen both of fortune, figure, and respectability, whose position and predilection on the war-measures fairly represented the least factious portion of Eastern opposition. Mr. King's constitutional opinions, having been, when yet young, an active and leading member of the Convention which framed the Constitution of the United States, were received with, and entitled to, much respect. Original federalism was well represented in him: a patriotic American preference, strongly tinged with admiration of English institutions and repugnance to France.

Mr. Gore premised that the power of the States over the militia remains with them always, uncontrolled, except in certain specified cases, when Congress may call them forth, preserving their officers and organization, and excluding from their command all other persons than the President of the United States. Insurrection and invasion are the cases specified; the United States are empowered to govern the militia only when in their service, and then commanded by none but the President as commander-in-chief, named in the Constitution as such. There being no insurrection, it is only to repel invasion that the militia can be called for; and Mr. Gore contended that Congress had no power to call forth the militia to serve two years in protection of the frontiers. To *repel* invasion implies sudden and short service, such as that which is commonly performed by militia, not regular troops, trained and disciplined to longer and greater service. The United States are bound to protect each State from invasion and provide for the common defence, which must be done by armies, but cannot be done by

militia who belong to the States. If they can be called into service for two years, then they may for ten, or for life. To protect frontiers, as this bill provides, is more than to repel invasion.

The second section, which classifies, undertakes to govern them before they are in service. It is the first step on the odious ground of conscription, which never will or ought to be submitted to, but, if attempted, will be resisted in many States, at every hazard, by all who have any regard for public liberty or State rights. To class the militia into divisions, and take from each an individual by compulsion, avowedly, but pretendedly, for protection, will be followed by misapplication of the thus conscribed individuals to unconstitutional purposes. This militia-bill is only preliminary to the conscription-bill to follow it, and absorb the militia in the regular army. Mr. Gore closed by proposing Mr. King's instructions, before mentioned.

Robert Goldsborough, of Maryland, and David Daggett, of Connecticut, supported Mr. Mason and Mr. Gore in this debate with elaborate speeches, revised and published, in which the arguments against the constitutionality and the policy of any compulsory military system were repeated; the army being, they insisted, to be raised by enlistment, and the militia to be controlled by the States.

During several days, the 14th, 15th, 16th, 17th, 18th, 19th, and 21st of November, 1814, this subject was debated in the Senate, where amendments were submitted by Robert Goldsborough and Joseph Anderson, which it is unnecessary to particularize. At length, on the 22d of November, the debate closed, with the rejection of Mr. Gore's motion to recommend, and the bill passed — 19 ayes to 12 nays.

The long-continued and anxious sessions of several days proved too much for the aged and slight frame of the Vice-President, Elbridge Gerry, who died, on the morning of the 23d of November, 1814, very suddenly, in his seventieth year. At one of the public offices, feeling unwell, he was taken home in a carriage, insensible when he got there, and expired soon after. Elbridge Gerry, a native of Marblehead, Massachusetts, was the son of a merchant, and bred a merchant, after being educated and honorably graduated at Harvard University. Soon elected by Marblehead to the Massachusetts Legislature, he became an active and efficient member, associated with Adams, Hancock, Warren, and other eminent Repub-

licans. The day after the battle of Lexington, he escaped from a house attacked by the British; and slept with Warren the night before the battle of Bunker's hill, whose last words to him were, "*Dulce et decorem est pro patria mori.*" Elected to Congress, he signed the Declaration of Independence, and continued a member during the whole Revolution, always constant and assiduous. As a member of the Convention of 1787, which formed the Constitution of the United States, Mr. Gerry warmly opposed Hamilton's, deemed aristocratical, suggestions, and refused his signature, because the instrument was less republican than he desired. But elected to Congress under the Constitution, he gave it, as the will of the national majority, an open and hearty support. In 1798, during the hostilities, without declaration of war, by the United States against France, President Adams sent Mr. Gerry, with Generals Pinckney and Marshall, to France, as commissioners; where Gerry saved the peace, as Adams declared, by opposing the inclinations of his colleagues to promote war. In 1810, he was chosen Governor of Massachusetts by a majority over Christopher Gore, the federal candidate. Elected Vice-President in 1812, after being defeated by Caleb Strong as Governor of Massachusetts, he closed nearly half a century of eminent public service by dying at his post, honorably poor. His person was slender, features large, disposition gay, and manners engaging. Playing blindman's buff, with the young ladies where he lodged, the night before his death, that excess of recreation, at his advanced age, after the fatigues of several successive days of arduous presidency in the Senate, probably hastened a demise which was at all events near at hand.

On the 15th of December, 1815, Mr. Gore introduced a bill to pay Vice-President Gerry's widow such salary as would have been payable to him during the residue of the term for which he was elected, had he so long lived: which, on the 17th of December, was passed by 14 ayes to 12 nays; all the federalists, and a few liberal democrats, voting for it, the great body of the democratic party represented in the negative vote. On the 20th of February, 1815, Mr. Eppes moved, in the House of Representatives, the indefinite postponement of that

bill, which was carried by 86 ayes to 44 nays; not party votes, members of both parties voting on each side; some from personal dislike to the deceased; many, like Eppes, from aversion to the principle of any approach to a civil pension, nearly all of whom would vote military pensions for wounds received by mercenaries; sustaining the monarchical encouragement of war by rewards for it, withheld from a long life of much more useful and important civil service. The Vice-President's pompous funeral cost several hundred dollars, a sum much needed by his numerous, poor family. Congress gave him a costly interment at public expense, but refused any allowance to his distressed widow and children. A long train of hired carriages; the President, with his cabinet, and Congress, in mourning; the Russian and French ministers, in their coaches and four, contending, almost in a race, for precedence in the train, followed the Vice-President's hearse, also drawn by four horses, which nearly ran away with the corpse, under the excitement of the diplomatic commotion—all that so poor a city as Washington could exhibit of shabby parade for the obsequies of the second magistrate of the Union, to whose impoverished family not a cent of gratuity was allowed, when his salary would have saved them from degrading want, and the cost of the marble monument Congress erected to his memory, in the public grave-yard, from inconsistency.

The Vice-President's death was seized upon, by the opposition, to disclose part of their plan for carrying on defensive war by a united country. The militia, denounced as a conscription bill, passed the Senate on the 22d of November, 1814; his death followed on the 23d, and funeral on the 24th. On the 25th, Obadiah German, a New York senator of the democratic party, but extremely inimical to Madison's administration, moved that the Senate should, on the 28th, proceed to the choice of a president protempore; his design, and that of the opposition generally, being that, by way of compromise of parties, Mr. King should be elected. But the motion was instantly negatived, by 20 to 10; and by the same vote, on motion of Richard Brent, to proceed at once to an election, John Gailliard, of South Carolina, was elected. The adminis-

tration had it in their power, said the opposition press, to have disarmed it by magnanimity. The possibility that the temporary president of the Senate might be called on to discharge the executive power, was an occasion for magnanimous conciliation. By the selection of Mr. King, his party would have seen evidence of that desire for harmony, said by the administration to be so desirable, and all that was wanting to union. Such an advance would have been cordially reciprocated; would have soothed the irritations of New England, and set an example of union gladly followed; cheered the country, and disconcerted the enemy. But the delusion is over, said the federal press. It is plain that to exclusive power the administration mean to cling, and the party opposed to their war is driven to antagonism. By Mr. Gerry's death, Providence afforded an opportunity to preserve the Union, and prevent, otherwise, inevitable civil commotion. The bill passed by the Senate, the last day he presided in that body, must lead to fatal consequences, unless advantage is taken of his demise to cultivate indispensable union.

Fusion, or amalgamation of parties, was one of the expedients, in that exigency, urged by the party out of power, and taken into consideration by the Executive, or parts of it. When the first great reverses occurred, in 1812, Jefferson was thought of as Secretary of State, and Monroe as Lieutenant-General, for which purpose Dearborn was to be restored to the War Department, and Eustis placed in the State Department. Whether Madison or Jefferson contemplated these changes, I am not able to say. But Monroe certainly desired, early in the war, to be appointed Lieutenant-General. In the latter part of 1814, when an intimate friend suggested to him the introduction of some of the federalists into the administration, he answered: —

“An amalgamation of parties in the administration? With whom would the treaty be formed? Men of principle, who had signalised themselves by their patriotism, or who, after having formerly asserted those rights in public stations, had given them up in the present war, denied the justice of the cause, and done every thing in their power to prevent its success, short of joining the standard of the enemy and bearing arms against their own

country. Could a compact be made in good faith on their part, one which bound them to change their policy, to wheel completely round for a price? Would their associates, who got nothing, go with them? They would support those who got into the cabinet only on the principle that a breach had been made in the wall, which would open it to the whole party, and they would support the vanguard only while they saw they were not betrayed. As soon as these new administration men adopted a system of policy which they had before opposed, they would be abandoned; and if they adhered to the former policy, they would paralyze every effort, and, either producing a useless change, overthrow the republican administration and party, or force on it and the party new struggles, to extricate themselves from new dangers. The republican administration act under a charter not to be violated. It is no justification to it to say that it is thrown into great difficulties by a virtuous struggle with a foreign power, which have been greatly augmented by the unprincipled conduct of an internal party, to bargain with the latter to lessen its difficulties, to force itself, under a pretext of saving the country. Such a bargain would ruin the administration, the party, and perhaps the cause of free government. There can be no change of administration but by the people. That must be by change of party. Compacts may be made in England, where the ministry takes its power from the king. But [here] it proceeds from the people. A compact by the administration, to admit into the cabinet (not to act under it in the army, or a foreign mission), in a participation of power, would not be justified on any correct view of the subject. The theory, or motive as suggested [by you] is benevolent and patriotic, but would be ruinous in practice."

On the 30th of November, 1814, the House went into committee of the whole on the army bills, Nathaniel Macon in the chair: but as it was late in a dark day, and the attendance thin, little more was done than to read the Senate militia-bill, and the House classification bill. Next day, first of December, the President sent in the second despatches from Ghent, which had the effect of undoing whatever of energy and unanimity the first despatches wrought in Congress. While invasion and conquest frowned upon us, resistance was roused. But as soon as the negotiations at Ghent assumed a more pacific aspect, Congress relapsed into that state of indecision, procrastination, and inaction, which are apt to infect large assemblies.

Still, on the 2d of December, 1814, the House, on Mr. Troup's motion, went into committee of the whole on the military bills, Roger Nelson in the chair; but, on Mr. Calhoun's motion, overruled Mr. Troup's endeavor that the classification bill should be first considered, to which, with Mr. Calhoun, it pre-

ferred the Senate's militia-bill; whereupon the military chairman aimed at once at the vitals of that bill, by moving to strike out the first section. He warned the committee against the yesterday's disclosures, by which the enemy might, at Ghent, deceive, disarm, and conquer us. The Senate bill had not even been referred to the military committee. It proposed militia and mere defence, when regulars and offensive operations were indispensable; for which latter, classification and draft were the best, the safest, and only effectual method. Though the opposition objected to this as a party war, yet Europe, posterity, and history, would look to the result alone, regardless of which party waged the war. The enemy must be struck where most vulnerable, in his commerce and territories, for which neither militia nor enlisted soldiers will suffice. Thirteen thousand men, at an expense of two millions, is all we have enlisted in the last twelve months; and we must have a hundred thousand regulars, besides volunteers and militia. The plan of the Secretary of War, Mr. Troup insisted, was the only effectual one. Without going into the military argument, Mr. Calhoun replied that the Senate militia-bill, already, by passing that body, almost a law, was not inconsistent with the classification scheme: and a majority of two votes went with him to prefer the Senate bill for consideration, nearly every opponent of the war voting with Mr. Calhoun to postpone the classification bill, from which rising blow it never recovered. By Mr. Calhoun's love to lead, and dislike to follow, the principal plans of the administration, military and financial, were frustrated that session: both army and bank failing much by his means. On Samuel McKee of Kentucky's motion, the section was struck out of the bill which confined the militia to their own or next adjoining States. After ineffectual motions, by Joseph Lewis, to reduce the term of service from two years to six months, and by Timothy Pitkin, to strike out the enlistment of minors, the bill was reported to the House, but never received its sanction.

Only one general military bill was carried that session — the act for filling the ranks of the regular army; but neither the militia, the classification, nor the volunteer-bill, became laws.

After fastening the merely defensive militia-bill by precedence on the House, the opposition maintained and improved their advantage during several days of animated controversy. Timothy Pitkin, Cyrus King, Thomas Grosvenor, Artemus Ward, and Mr. Webster, by reiterated assaults, endeavored to prevent the enlistment of minors, though always defeated, mostly by considerable majorities. A fatal blow was given to the militia-bill by Mr. Eppes's motion, which carried, to reduce the term of service from two years to one. Morris Miller followed it up by proposing six months, which he supported by a very long speech against conscription, succeeded by Richard Stockton's motion to postpone the bill indefinitely, on which motion he argued the constitutional questions with much ability. On Saturday, the 10th of December, 1814, the House sat from ten in the morning till eight at night, in ardent discussion, overcoming numerous efforts for amendment and adjournment, till at length Macon, who voted against us on every division, threw in the most perplexing of all discords by a motion to change the apportionment of militia among the States from the basis of congressional representation to that of free white population, which intractable controversy at last compelled the House to adjourn. On Monday, the 12th of December, 1814, Macon's motion was rejected, but an adroit motion of Mr. Webster, to reduce the term of service to six months, was within one vote of carrying; and, finally, their term of two years' service reduced by one vote to one, the House returned their bill to the Senate, with other alterations, — a mere militia-bill, as it was, and nothing more, assailed by the whole body and best talents of the Federalists, reinforced by not a few of the war-members, as an odious conscription, which horror they evoked from another military bill, not debated, and opposed every military measure with an acrimony and alarm that spread abroad through the country. The militia, they contended, is a merely *State* force, disposable by the national government only in case of *actual* invasion, or insurrection, which they denied to be the exigency then. The federal government was thus to depend on the States for its defence. Committees of conference between the two houses were resorted to. The

Senate disagreed to our reduction of the service from two years to one: the conference proposed to compromise at eighteen months, to which the House would not agree. The House authorized the President to call directly on all militia-officers, by requisition, in case of failure of the governor of a State to comply with it; to which the Senate disagreed, and on which the House insisted. The day before Christmas, the House took its stand, and on the 28th of December, 1814, the Senate, on Mr. King's motion, by a vote of 14 to 13, postponed further consideration of the bill to a day beyond the session. Further attempts were made to revive the subject, but without success. Prospects of peace, contrivances of party, and differences of opinion in the dominant party, with motions and votes of some of its most leading men, not only prevented the militia being turned into conscripts, but repudiated them altogether.

During these controversies, Mr. Troup produced, from the forgotten files of the War Department, President Washington's message to Congress, the 31st of January, 1790, presenting his Secretary Knox's plan of a militia-army, and designating a well-organized militia as the best national reliance; condemning as immoral, inadequate, and vicious, the system of voluntary enlistment—producing armies unfavorable to equality and liberty; suggesting a division of the whole militia of the United States into classes of twelve men each, from each of which the federal government should draft one man for the regular army. Such a view of the constitutional power and the policy of Congress, suggested by Washington, with Knox as Secretary of War, Hamilton, Secretary of the Treasury, the Revolution-recollections of Madison and Monroe enabled them to urge with force: but without much effect on the party claiming Washington as their patron, whose opposition to the war, and more vehement resistance of what was denounced as French conscription, emboldened the unscrupulous to intimate that Washington was not the wisest interpreter of political instruments; but a mere soldier, misled by Steuben, another soldier, a drill-serjeant, incapable of appreciating constitutional liberty, not to be followed as guides on its questions. Grosvenor said that the plan was General Knox's, not Presi-

dent Washington's. William Gaston, in the course of an eloquent protest against classification, said —

"The monstrous and detestable doctrine asserted by our Secretary of War, that the general government has an uncontrolled power to force every American into the ranks of a regular army has been enforced by the authority of Washington. Mine be the task," said Gaston, "to rescue his revered name from that reproach. The plan was that of Washington's Secretary of War, General Knox; not President Washington's, as his letter of the 31st of January, 1790, submitting it to Congress, shows. It was a plan devised under the Confederation, when the only power of Congress to raise militia was by drafts on the States. Washington submitted it to Congress for their consideration, and they never sanctioned or acted on it. It was a mere report on militia from the head of the War Department — of militia as preferable to a standing army, for the military establishment of a free people; a bold plan of militia-organization; an army of militia, not regular soldiers; an army to be formed by requisitions on the States, to be employed only in the exigencies of the Constitution, and to be commanded by officers appointed by the State authorities. No draft was recommended of militia into a regular army. Knox's plan proposes a similar classification of seamen for maritime defence, for which, he says, State regulation would be necessary, which proves that he did not suppose that the federal government is empowered to embody either land or sea-forces without State co-operation."

To constitutional objections were superadded those against the policy and practicability of the measure. Joseph Lewis condemned its making no distinction in favor of the sect of Friends and other religious denominations, conscientiously opposed to bearing arms. Jonathan Mosely, acknowledging that the character of the war had changed from offensive to defensive, by no merit however of those who declared and prosecuted it, denied that the change made any difference in the duty of those who opposed it, whose support is no more necessary than ever for its maintenance. Let the majority vote supplies. He had never voted for any bill to carry on war, and never would. When, as Mr. Webster had said, we wage the war, we will vote for its supplies, but not till then. The majority must carry it on: which they could do, not by force of reason, but the previous question. But, if it was to be done by such measures as that in question, Mr. Mosely predicted that there would be no occasion for committees of investigation to inquire into the causes of the failure of our arms. With

long lugubrious German and English descriptions of French conscription, Morris Miller denounced it as worse than death. Governor Tomkins, one of the pioneers of the system, had pardoned a horse-thief on condition of his enlistment. Are American youth to be associated with such scum of the earth to fight the sweepings of Europe for the conquest of Canada? What have we got there, at Niagara and Bridgewater, but barren, bloody, blasted honor? Michillimacinac and Fort Niagara, our Western keys, both lost, without an effort to regain them. General Brown fighting for the mere point of honor, instead of being sent to reinforce Izard, by unpardonable folly marched away to the relief of Brown. In the midst of the smouldering fires of this miserable metropolis, the government sits down to the madness of another attempt on Canada, more hopeless than ever, with an army of conscripts, to be led by knights of the spur, breathless from the races of Bladensburg, who will not take warning by Bonaparte's colossal split on the rock of conscription. If the Secretary's plan is adopted, personal freedom is no more, and the Union destroyed for ever. A New York merchant, William Irving, answered his colleague, Miller, that by disgraceful terms, which no member of Congress would accept, the enemy had put an end to all difference between offensive and defensive war, and peace out of question. War thus the only alternative, was not classification the best way to wage it, and where to wage it mere matter of military policy? The inclination, which in October displayed itself, generally to resist the demands of England disappeared under the influences of peace-prospects and strong war-measures, which in December paralyzed legislation. In October opposition to the war much abated, and its advocates were quite ascendant. In November and December they were vanquished in votes, if not in reason. Mr. Wm. P. Duvall, of Kentucky, one of the last speakers of an elaborated view of the subject, in vain tried ridicule of Mr. Miller's speech, in addition to arguments. Conscription was a chimera, more dreadful than the Gorgon's head. That the whole people would be compelled to serve, or pay a tax for a substitute, thus to fight for their

country, or lose part of it — that simple alternative was tortured into insuperable objection.

“The federal party,” Mr. Webster said, “has all the talents and confidence of the country. Our army must be withdrawn from the invasion of Canada, and the whole restrictive system renounced.”

“We have not an ally,” said Mr. Oakley, “not a friend, in the world. All Europe looks coldly on, while Great Britain puts forth her immense might to crush us. Under such circumstances and her unjust demands, we may be constrained, he now confessed, to vote taxes, which this administration ill deserves, and will be sure to mismanage, as they have done, and do every thing; who, in their instructions to the commissioners at Ghent not to insist on relinquishment of impressment, have struck their flag.”

Mr. Calhoun, though apparently opposed to classification, and strongly to Dallas’s plan of a bank, uniformly sustained the war of invasion.

“Our finances,” said he, in October, “are deranged, and can be restored only by rigorous taxation. One hundred thousand militia are now in the field. Fifty thousand regular troops would cost much less, and much better defend the seaboard; and we must invade Canada with fifty thousand more. He hoped the miserable objections to that invasion were abandoned, till he heard Mr. Webster repeat them. It was so obviously the cheapest and most effectual mode of operating on our enemy, that thinking men of all parties agreed in it. No man, with an American heart, can hear of the enemy’s terms of peace without indignation. Let us baffle his vain hopes, for which we have abundance of means, if we do but use them, which depends altogether on the promptitude of Congress, not to waste time in debate, but act at once. That is the way to honorable peace, which is always at England’s option, notwithstanding Mr. Webster’s unfair and unfounded insinuations to the contrary. Preparations for resistance will give peace, even without using what may be prepared. England does not expect or desire peace on the terms demanded. She is repossessed of her wishes of ’76, revives the war of the Revolution, and puts us again to struggle for independence. It is a struggle for existence.”

But probability of peace, and exigencies of war, increased taxation, much increased expenditures, larger armies of regular soldiers, and severer methods of their embodiment, disturbed the unity of the war-party, and emboldened their opponents. The course of the author of this Historical Sketch is no otherwise important than as it indicates that of others, and events of which he endeavors to give as fair an account as a party to

their excitements, after a long interval to allay prejudice, can do.

“Last year,” said he, on the 9th of December, 1814, “Mr. Webster told us what New England would do, if war invaded her. Yet, now that it is in their plantations and towns, and rings the curfew every night there, what resistance do they make in defensive, more than battle in offensive, war? They threaten us with disunion for passing a mere militia-law. Mr. Webster’s threat of that calamity, or the event itself, would be a less evil than the Middle Free States being deterred by such menace from their right and duty. Disunion was their threat against the embargo-laws, till, with their repeal, they brought on war. The enemy is warring, not against our Union and resources, which are invincible, but our divisions and prejudices. Posterity will register the declaration of this much-abused war as the wisest of American measures. Were it to declare anew, after all that has happened, I would vote for it. But Canada is not conquered, and Mr. Webster tauntingly recalls Mr. Calhoun’s prediction that it would be. As the means of peace, has it not been? Russia now, like France after the battle of Saratoga, in 1777, will come to our aid when we can do without it. The campaign on the Niagara ensures us peace. Still, we must have armies, mere provision for which by Act of Congress will give it, without raising them. Let Mr. Webster look to English statutes, and he will find Chatham by conscription raising the army by which Wolfe conquered Canada. The French is not the only conscription. It was Roman—is essentially republican and universal. The fanciful, however eloquent, distresses of it depicted by Mr. Webster will be nothing compared to those of the country without its indispensable reinforcement. There is no danger and little distress to be feared, if we are united in Congress, to marshal the means of the country, as was done in the Revolution, and urged by President Washington, even in time of peace, merely to prepare for war. War-votes and acts will cheaply render superfluous war-actions and sufferings.”

Cyrus King replied, that the captured part of Massachusetts felt the federal government, which was bound to defend it, only by its taxation, insults, and oppression. That part is not recaptured indeed: but why is not Niagara? Why is the way from this seat of government to the President’s residence dammed up by enemies? Do the friends of the miscreants who submit to this dare to reflect on the valor and patriotism of New England, proved in the old French war and in the present *French* war? It is indeed, says the historian of the former war, laughable to see a few dissipated bashaws, tyrants over a parcel of negro-slaves, give themselves airs on the subject of liberty.

All that government could effect was, the act originating in Senate, and passed into a law the 10th of December, 1814, making further provision to fill the ranks of the regular army,

by which recruiting officers were authorized to enlist all free, able-bodied, effective men, from eighteen years of age to fifty, allowing the minor recruit four days after enlistment to withdraw it, and giving the masters of apprentices enlisted part of the bounty-money; 320, instead of 160, acres of land to each non-commissioned officer and soldier when honorably discharged from service, if killed or dying in service, to accrue to his widow, children, or parents; and exempting from militia-service any person subject to it who furnished a recruit for the army of the United States, at his own expense, to serve during the war, delivered to some recruiting officer, receipting for such recruit, who was entitled to the 360 acres of bounty-land. That inadequate provision, together with an act passed the 27th of January, 1815, authorizing the President to accept the services of not exceeding eighty thousand State troops and volunteers, which, soon after peace, on the 27th of February, 1815, was repealed, were all the military sinews allowed by Congress for the war during that Session, lasting five months before the peace.

The report by the Federal Republican, Alexander Hanson's journal, of the final passage in the House of that bill, was that, "after Fiske, of Vermont, moved to recommit it, as a milk and water affair, which was opposed with animation by Richard M. Johnson, and three times the previous question was defeated by the casting vote of the Speaker, Cheves, Mr. Ingersoll called for the previous question, which was sustained, and by a vote of 91 to 71 — but one member from all New England for it — the bill was ordered to be engrossed for a third reading. Thus," said that journal, "this pretended militia-bill, the pioneer of conscription, was carried by force; the coffin of State sovereignties, whose last nail was driven by that infernal hammer, the previous question."

In the Senate, although out of place on the militia-bill, the classification-question was gravely and well argued. In the House there was not much discussion, upon which none of the leading adherents of the administration ventured. Nor did its opponents go much beyond declamatory attacks on French

conscription, except Richard Stockton, whose elaborate speech was published at large.

Disclaiming party-motives, and acknowledging the difficulties the government had to contend with in an awful crisis, when an honorable peace can not be made,—without money, credit, or adequate force, we must try another campaign; overlooking the insanity of its declaration and imbecility of its prosecution, and voting for every rational increase of revenue or troops, Mr. Stockton said that, still he could not go beyond the Constitution, which no state-necessity would justify. The monstrous device of drafts from the militia to fill the ranks of the army is not now before us: public repugnance having damned it to eternal sleep. But the militia, for whom we are now legislating, belong to the States, and not to the United States—comprehending the whole male population capable of bearing arms, exemptions of some being matter of grace and favor. This militia belonged to the States before their present Union, to which they have never surrendered it. They have given Congress leave, in certain cases, to call for the militia, to arm and organize and discipline them: but only thereby to enforce the laws, suppress insurrections, and repel invasions: a mere concurrent power. The bill provides for calling forth eighty thousand militia for defence, and compels that eighty to furnish forty thousand regular soldiers. But the Constitution does not authorize calling forth the militia to defend our frontiers from invasion, which would be unlimited power to make use of the militia during war. If such power exist, the militia may be marched anywhere within, or even without, the United States, to defend them while war lasts; nay, to call them out, as would be prudent and proper, before the war begins or is declared. No such power exists; no power at all to call for militia till actual invasion. The old system, under the confederation, was by requisition on the States; whereas Congress have now the entire war-powers of sword and purse, without State intervention, by regular armies to defend the States: but not by converting the State militia into United States regulars. The Constitution contains no grant of the militia to the general government for defence. I may be asked, cannot the militia be called forth till invasion takes place? The act of 1795 answers, if invaded or in imminent danger of it; by which is meant, danger at hand. War is not that exigency, because it may not be attended by invasion. For those parts of the United States captured and held by the enemy, the militia are not provided. They are to repel invasion, not to expel occupation.

The other, not avowed, but obvious, design of the bill to compel the militia to furnish regulars, what is it but coercion, conscription, still more odious and indefensible than even unconstitutional? The term of service reduced from two years to one leaves the principle the same. Congress have no right to prescribe any term of service, which the Constitution limits to the mere short time necessary to repel invasion—no longer—which the act of 1795 properly fixes at *not exceeding* three months. The emergencies contemplated by the Constitution are not only limited in time, but in place

too. As this bill came from the Senate, the militia were confined to contiguous States. The House having rejected that constitutional provision, there is nothing in the bill to prevent the militia of Maine from being marched to Louisiana, or from the latter to the former. Again: the bill destroys the constitutional principle of rotation, by which no militiaman is to be kept long in camp. It is not his function to become a regular soldier, but, after short service, to be succeeded by another citizen-soldier. The militia are farmers and mechanics, whose habits and livelihood are not to be destroyed, in order to substitute the vicious trade of a soldier. That is not the way to save, but to ruin, the country. Besides these individual wrongs, the bill prostrates State rights, and will not be submitted to. Connecticut has said so. I utter no menace, but entreaty, that all endeavors to raise armies by compulsion may be abandoned. Raise armies by voluntary enlistment. A few well-appointed regiments will do wonders, aided by militia, — at Plattsburg you have seen this. But, suppose you drive New England, by compulsion, to resistance, what unequal burden it leaves on all the other States. Pursue constitutional and conciliatory measures, and rely on the patriotism of the people.

Stockton's speech made an impression, not only in Congress, but throughout the community: conspicuous member of the federal party as he was, representing a central and patriotic State, and presenting his views with power, both in argument and sentiment. War forced parties to change places: the Federalists to dispute federal powers they had always attributed to government; the Republicans to demand and exercise them.

Mr. Stockton's impressive views were denied by one of the many obscure members, whose plain good sense prevails in Congress more than brilliant harangues. At our first session, the seat of a Tennessee member, Thomas S. Harris, was contested by a rough, young competitor, William Kelly, who appeared at the bar of the House, and urged his pretensions in the rude garb and with the imperturbable self-possession of ultramontane simplicity. Mr. Harris was maintained in the seat, but took little part in debate, till moved to refute what he deemed Mr. Stockton's constitutional errors. Like most representatives from the then frontier-states, Tennessee, Kentucky, and Ohio (Oyo, as the Indians and French originally termed it), bred to arms and conflicts with the savage borderers, and unacquainted with regular soldiery, Mr. Harris had a strong impression of the worth of militia, whom he deemed suf-

ficiently disciplined by six months' service, and as freemen not to be subjected to twelve. But he denied that it was unconstitutional to draft them for twelve months or two years, or that classification, though called conscription, was unconstitutional. Refuting Mr. Stockton's assertion that militia can be called forth only in actual invasion, and not to be prepared against it when the danger is imminent, he showed that such interpretation would render nugatory all reliance on militia; for invasion would do its mischief and be gone before the force to repel it appeared.

"As to actuality of invasion, the country," said Mr. Harris, "is now actually invaded by inroads in many parts; scarcely a day elapses without accounts of their depredations. Imminent danger of invasion imports that it must be repelled when approaching, not waited for till overpowering the United States.

"Government may call forth the militia in the specified contingencies: and why not draft them into a regular army? Authority to raise armies is given without limit — the whole power of the people and the States. The militia may all be called forth, in mass, if necessary: and the power to raise armies, anyhow, from any body of people, is unqualified. The Constitution does not specify or mention voluntary enlistment: nor, probably, did it contemplate that method; certainly, not as the only one. In the Revolution, the more efficient method by classification and drafts was resorted to; and the framers of the Constitution must have had that in view, when conferring on Congress unlimited power to raise armies, without restriction, except as to pay, limited to two years or one Congress-term. Before the Constitution, drafts by coercion, by lot, were the method, but through State-instrumentality. The Constitution empowers Congress to raise armies, and taxes to pay them, without State-intervention or instrumentality. The States may have their militia and their taxes; but the federal power over both is supreme. Under the Confederation, drafted militia by State-agency was a familiar resort. The Constitution, in terms, gives unlimited power to raise armies, without appeal to States. One of Washington's first recommendations was to exercise this power, and what is now stigmatized as hateful conscription was his plan, fresh from the Convention, with Hamilton, another member of it, in his cabinet, for supplying a military establishment to the United States. By the enormous charges of militia, in vain striving to defend fifteen hundred miles of seacoast, the enemy is waging war, not on our forces, but our resources, wasting them and exhausting our patience. One hundred thousand regular soldiers marched into Canada, supported by volunteers and militia in their appropriate sphere, would soon put an end to the contest: when, if a third campaign were attempted, like the two former, with militia, we may be again worsted, at ruinous expense."

But the administration and their adherents never could accomplish their military measures. The bank-bill, three times overthrown, was revived, and, but for peace, might possibly have succeeded in a very bad act. But classification, stigmatised as conscription, was a mere abortion. And even a tolerable militia-bill did not survive the blows of party misunderstanding between the two houses, defections of some of the war-party, and, above all, the overweening hope of peace without such severe resistance. After our continued and precarious controversies in the House, on the 9th, 10th, 12th, and 13th of December, 1814, concerning the military subject, in all its forms, it was suffered to rest till the 22d of that month; and thereafter, tax-bills, and bank-bills, consumed the ensuing six weeks, till tidings of peace came, to put an end to all war-projects.

The enemy gave us a lesson on the subject of our attempted classification, which is worth inserting in my narrative. American conscription was denounced, in London, with furious apprehension. Probably some ministerial contributor to the editorial columns of the Times newspaper uttered English dread of so bold a plan as that which we failed to organize; the very power to organize which would have been an argument for peace more powerful than could have been otherwise presented. An act of Congress to raise one hundred thousand men, by classification, for the avowed purpose of driving the English from North-Eastern America, would have made peace, probably, without putting the army in the field. The Times said of it —

“The bill for the *conscription* of the whole American population is a measure that cannot be mistaken. Whilst such a bill is in progress, and before it is known whether people will submit to its being carried into execution, it would be *madness to expect a peace*. It would be madness to expect a peace with persons who have made up their minds to propose *so desperate* a measure to their countrymen. For, either they must succeed, and then the intoxication of their pride will render them utterly intractable; or (which is indeed more probable) they must fail, and their failure must precipitate them from power, and consequently render treating with them impossible. When an *American* gentleman, of *splendid attainments*, some years since, composed his celebrated review of the Conscription Code of that monster, Bonaparte, he could not possibly foresee that his own country

would, in so short a time, be subjected to the same *barbarous humiliation*. The prime and flower of the American citizens are to be taken by lot! and delivered over to the marshals, who are to deliver them over to the officers authorized to receive them, who are to act at the discretion, and under the arbitrary direction of the President. Thus does Mr. Madison, from a simple republican magistrate, suddenly start up a *military despot* of the most *sanguinary character*—a double of the *blood-thirsty wretch* of Elba. We are convinced that this sudden and violent *shock to all republican feelings*; to all the habits of the people in all parts of the Union, *cannot be made with impunity*. Certain it is that this law cannot stand alone. To give it the least chance of being put into execution, it must be accompanied with all the other chapters of that bloody code, by which France was disgraced, and barbarized, and demoralized. Who is to hunt down the refractory conscript? Who is to drag them, chained together in rows, to the headquarters of the military division? Who is to punish them, their parents, relations, friends? Even Bonaparte was many years in bringing to its diabolical perfection the machinery of his system; and, carefully as Mr. Monroe may have studied in that accursed school, it cannot be supposed that he has, at one flight, placed himself on a level with his great instructor. It is highly probable that many of the men who have labored in the details of oppression and violence, under the Disturber of Europe, may have, by this time, made their way to America, where they will, doubtless, receive a cordial welcome from Mr. Madison, and be set to work *to rivet the collar on the necks of American citizens*; but we own that, with all appliances and means to boot, the President, in our opinion, must fail. Nevertheless, it would be most dangerous to suffer such an opinion to produce the slightest relaxation in our efforts. The British government should act as if it saw Mr. Monroe at the head of his hundred thousand regulars, well disciplined and equipped, carrying the war, as he threatens he will do, into the very heart of Canada. Late as it is, we must awake. Eight months ago, the Duke of Wellington, with his army, might have fallen like a thunderbolt upon the Washington Cabinet, leaving them no time for conscriptions; no means for collecting French officers to discipline their troops; no opportunity to intrigue for friendship and support among the continental powers of Europe. It is not too late for striking a decisive blow; but that blow must be struck with all our heart, and with all our strength. Let us but conceive the proposed hundred thousand regulars embodied in the course of the ensuing spring. Does any one believe that, without a mighty effort on our part, the Canadas could be retained another year? Would not the exultation of seeing himself at the head of such a force urge Mr. Madison, at all hazards, to complete his often-tried invasion? Even if his scheme should but partially succeed, and we should be only able to drag on a defensive war for another twelve-month, who knows what allies that period may stir up for him, under the false pretences of regard for neutral rights, and for the liberty of the seas? On our side, to conclude a peace at the present moment, would be to confess ourselves intimidated by the warlike preparations

of the enemy. It seems, therefore, that we have but one path to follow. Whatever was the force destined to act against America, before this *darling bill* of Mr. Monroe's was thought of, *let that force instantly be doubled; let us cast aside all European politics that cross this great and paramount object of our exertions.* Let a gentleman of commanding name be at once despatched to the seat of war. We have often said, and we repeat it, that America is a scene on which the Duke of Wellington's talents might be displayed far more beneficially to his country than they can possibly be in the courtly circles of the Tuileries: but if his Grace must necessarily be confined to the dull round of diplomatic business, at least let some officer be sent, whom the general voice of the army may designate as most like in skill and enterprise to our great national hero. Fatal experience has shown us that no effort of such an enemy is to be overlooked. When the flag of the *Guerriere* was struck, we saw in it that disastrous omen, which has since been but too sadly verified on the ocean and on the lakes. The triumphs of the American navy have inspired even their privateers with remarkable *audacity*. The present papers mention the cruises of the *Peacock*, the *Chasseur*, and the *Mammoth*, all of which were very successful, and all ventured on the coasts of England and Ireland. The two latter being American built, outsailed every thing that gave them chase. This is a circumstance requiring *strict attention on the part of the admiralty*. Surely there must be some discoverable and *imitable cause* of a celerity in sailing, which is so important a point of naval tactics. Mr. Fulton, of catamaran memory, appears to have employed himself on a naval machine of singular powers. It is described as a steam-frigate, and is intended to carry red-hot shot of one hundred pounds weight. When we remember how contrary to expectation was the tremendous effect of the batteries of the Dardanelles, we cannot entirely dismiss from our minds all apprehension of the effects of this new machine of Mr. Fulton's."

English prejudice against whatever was apprehended as means of French hostility or power, often betrayed itself in strange antipathies, and those antipathies were not unfrequently impressed on Americans. Dread of conscription, even ludicrous, appeared in an argumentative parole, given, early in the war, to an American merchant by a British officer, next year heading the marauding incursions from the Chesapeake. William R. Swift, a merchant of Maryland, happened to be in the Island of Barbadoes when the war was declared. Being a non-combatant, and on commercial business, he was entitled to leave to return to his country. But the governor of the island, after detaining him many months as a prisoner of war, at last enlarged him on parole, by a certificate stating that, —

"By the laws of the several States, all persons of a certain age are militiamen; but the nature of their consequent duties were hitherto purely defensive, within the limits of the State to which they belonged. By the present gigantic system, however, introduced by the federal government, drafts from the militia are required to be furnished, not only beyond these limits, not only beyond their States, but for the purpose of foreign war of the most unprovoked description; and the armies which have invaded the Canadas were, to a great extent, so constituted. All the States which have acceded to the measure of war and ambition, I view it to operate as a French conscription, although under a different name, and in a manner somewhat less obnoxious. But every man within the prescribed age is liable to this draft, and, if he does not march himself, must find a substitute. The consequence is, that I search in vain, in the conceding States, for a non-combatant; and I therefore feel it my duty, in addition to the usual parole which will be furnished to Wm. R. Swift, by the agent of the transport board, to require him not to bear arms in any shape, either by sea or land; or to embark in any vessel armed for war against his Britannic Majesty, or his subjects, until duly exchanged.

"Given, under my hand and seal, at arms, this thirteenth day of November, one thousand eight hundred and twelve.

"GEORGE BECKWITH.

"By command of his Excellency, Sir George Beckwith, commander of the forces in the Windward and Leeward Islands, Captain-General and Governor-in-Chief of the Island of Barbadoes, &c.

"WM. HENRY WILBY, Secretary."

The logic, the blunders, and the perversions of this State-paper are remarkable. Its reason for making a merchant a prisoner of war, viz., that he was a citizen of a State consenting to call out the militia for general defence; the constitutional denial of the right of militia to wage foreign wars, together with the preposterous doctrine of the whole instrument, are among the memorable evidences of the British infatuation which justified such violations of the rules of civilized warfare, and the American infatuation, which deemed them consistent with those rules. The Times newspaper, and General Beckwith's certificate of parole, are among innumerable proofs that the severities of war were necessary to eradicate that inordinate licentiousness with which a mother-country was allowed to treat those once her colonies.

Classification, stunned, if not stifled, slumbered till the 6th of February, 1815, when a Vermont member, neither conspi-

cuous nor influential, but one of those individuals who often unexpectedly evoke and sometimes effect signal things; Charles Rich, introduced a project of his own, which, if enacted, might have answered every purpose; but of which the scheme need not be particularized, as it was never taken into consideration. Peace came before the House took it up; and the day after intelligence of that joyful event, which rendered all armies unnecessary, Mr. Rich himself moved the indefinite postponement of his own project. That of the Secretary of War, almost stillborn, lingered, and hardly that, suffering from constitutional scruples, personal apprehensions of public condemnation, and flattering impressions of approaching peace, till it expired. Without more alarming intelligence than came from Europe, after the first terms at Ghent, it could never have been revived. The Secretary of War and military committees gave it up, and turned their attention to three other methods of raising troops, viz.: militia, to serve for a year or more; State-troops, to be taken into the service of the United States; and volunteers—by which means a moveable army of one hundred thousand regulars and volunteers, it was thought, could be embodied for active and offensive operations, while the ordinary militia and State-troops might be relied upon for protecting the seaboard and frontiers.

Congress were then the defaulting department of government. The people, the army, navy, volunteers, militia for the most part, Executive, and all, except Congress, were equal to the crisis, and fulfilled the obligations regarded by all as indispensable. But, convened by the President before the previously appointed time, to furnish adequate means for another campaign, the Legislature failed to bring forth the energies of the nation, and the country was fortunate in the speed of pacification, brought about by neither legislation nor negotiation, but Canadian and maritime American successes, the disgrace and reaction of English triumph at Washington, European and English disgust at English designs of conquest as exposed by the American government, the inclination of all maritime Europe to countenance the United States to check England at sea, the discontent of the manufacturing class of

Great Britain, and the improved spirit of national vigor obvious throughout the United States, notwithstanding the default of Congress. Southern victories, simultaneous with peace, covered with charitable exultations the defections of Congress, stifled the cries of party and the designs and efforts of disaffection, rendering harmless, if not useful, the speculative conflict of opinion in the Legislature, which procrastinated and jeopardized measures of public safety demanded by the crisis.

After the Act of the 10th of December, 1814, for filling the ranks of the army, no important military enactment took place, except the Act of the 27th of January (repealed, after peace, the 27th of February, 1815), to authorize the President to accept the services of State-troops and of volunteers. In some shape or other, a militia-law would probably have been accomplished, if the war had continued. The Act of Congress of the 27th of January, 1815, authorized and required the President to receive into the service of the United States not more than forty thousand men of any corps of troops raised, organized, and officered, under the authority of any of the States, for not less than twelve months; when received into the United States service to be subject to the rules and articles of war, and employed in the State raising them or any adjoining State, and not elsewhere, except with the assent of the Executive of the State raising them; the number in each State, apportioned to its population, to be considered as part of its quota of militia, when called upon by the President, through the governor, to be held in readiness; to be armed and equipped at the expense of the United States, paid, clothed, and otherwise provided for, except bounties, like the regular army. By the same act, the President was authorized to receive into the service of the United States forty thousand volunteers, to be organized as the regular army, and paid, &c., except bounty, subject to the rules and articles of war; the officers to be commissioned by the President, with consent of the Senate; the volunteers, at their option, to arm, equip, and clothe themselves, by commutation; and, if killed or wounded in service, for two years, or honorably discharged, allowed pensions and the bounty of 160 acres of land.

These inadequate arrangements were all the military provisions that could be effected. Fiscal centralism of the federal government imparted power over the money-sinew of war, which State-jealousy withheld from the sinew of men: whether constitutionally, actually, or wisely withheld, my sketch of the debates on classification, defeated as conscription, may enable the reader to judge. The army, to the number of 62,000 men, was said to be rapidly filling up, under the impulses of large land-bounty, general want of employment, and as general patriotic amelioration, together with the improved character and energy of the recruiting officers. 40,000 volunteers, for at least a year's service, would probably have been added to the regular army; and perhaps 40,000 State-troops, much superior to ordinary militia, superadded to them for local defences. Hostile forces in such numbers it was far beyond the power of Great Britain to place in America, where she had lost the great reinforcement of her Indian alliances, and the entire illusion of her arms, both by land and water, transferred to ours. We had reason, therefore, to look forward with confidence to the campaign of 1815 for expelling England from this continent — a task which would have been certainly undertaken, and, I believe, achieved by Dallas's Treasury-notes and taxes, Monroe's troops and plans of campaign, the whole country turned from private pursuits to martial enterprises, the tide of fortune with us, the moral influences and physical superiority. No part of the United States has so much cause to regret that this consummation was prevented by peace as the seafaring, enterprising population of New England, by some of whom it was frustrated; for even all the blunders and failures, in 1812 and '13, the spirit of New England might and would have redeemed, by the cordial and united co-operation with their fellow-countrymen and government, of a people, ingenious and strenuous, seldom failing in whatever they undertake — the Pilgrim-progeny, mighty either to do or to mar.

The great reserve of State-authority maintained the Union and supported the war, when, by a mighty continental effort of national power, war may be said to have been just beginning in earnest. The Governors of Kentucky, Georgia, Lou-

isiana, South Carolina, Ohio, Virginia, New Jersey, Pennsylvania, and New York, addressed their respective Legislatures, breathing defiance of Great Britain, and urging the States to support the Union in waging war. Even if victory had not soon disarmed, and peace crushed, local and threatening disaffection, and though Congress failed to draw forth and organize the whole resource and power of the country, still, and the more on that account, the State-sovereignties proved for the crisis admirable reserves and invincible bulwarks. On the 23d of December, 1814, the Secretary of the Treasury officially advertised that it had no specie-funds, with which to pay dividends on the public debt at Boston, for which there were only Treasury-notes, then much depreciated. But a letter of the 22d of December, 1814, to the Secretary of the Treasury from the Governor of South Carolina, David R. Williams, made known that, on General Pinckney's statement that the United States' funds to pay their troops there were exhausted, the Legislature of that State immediately appropriated the requisite sum, \$260,000, for the purpose. Furthermore, on the 20th of December, 1814, South Carolina enacted a law for raising a brigade, two regiments of State-troops, to serve during the war, and to be tendered to the Secretary of War, to be employed in that or any neighboring State: for which \$500,000 were appropriated. Daniel Elliott Huger was appointed general, Andrew Pickens and James N. Pringle colonels, of the forces thus tendered by that exemplary State. Virginia passed a law to raise troops, in like patriotic and national spirit, of whom Robert B. Taylor and Armistead T. Mason were appointed major-generals, John H. Cocke, Charles F. Mercer, David Campbell, and John W. Green, brigadiers. Unlike the army of 10,000 men voted by Massachusetts, State-troops of New York, Virginia, Maryland, and South Carolina, were put by their respective Legislatures at the service of the Union. Pennsylvania would soon have raised a similar corps to be so disposed of. The Governors of Kentucky and New Jersey strongly recommended those States to do so likewise. The terms in which some of the Governors addressed their Legislatures were remarkable. Ad-

dressing the Legislature of Georgia, specially convened by him to prepare for the invasion approaching that State, Governor Early said—

“The enemy mistake us; the spirit of party is rapidly vanishing; union and resistance becoming the watchwords of the day. Humanity must deplore one effect of the struggle. The bitter animosities of the Revolution were wearing out, and with them the remembrance of British atrocities then. But the course her commanders now pursue, of unrelenting conflagration, devastation, and plunder, making war on females and infants, profaning the temples of the Most High, revives animosities which ages cannot efface, teaching the American child in his cradle to abhor the British name, and hand down that hatred to the latest generation.”

William S. Pennington, Governor of New Jersey, in his Message, thus denounced the ignominious terms of peace:—

“An insidious offer of peace was made, to paralyse our exertions; and then conditions fit only for a conquered people. To the dominion of the sea Great Britain now adds her claim to sovereignty of the land. We are to dismantle our ships, demolish our fortifications, and surrender our territory. It is vain to reason with such tyrants. The controversy must be settled in the field. The only plain, direct road to peace is vigorous war, now become purely defensive. Not an American but spurns terms outrageously humiliating, without reference to the original causes of the war.”

Defiance was the nearly universal tone, which even Eastern governors were constrained to assume.

The federal minority divided between a few still for peace at all events and Madison's removal as indispensable to it, and the many who, without reconciliation to his administration or the wisdom of the war, sustained the majority and the government as inseparable from their country. The popular sentiment was almost unanimous to defend the soil: that wise and noble Saxon war-sentiment, ascribed by Cæsar to the ancient Germans, rather to fight than sue for peace.

As New York was the immediate theatre of hostilities, so the people and government of that State were most distinguished for activity and enterprise in its maintenance. On the 27th of September, 1814, the Legislature met at Albany, pursuant to the special call of Governor Tompkins; who was, at that conjuncture, the pivot on which the war and the Union turned, more than any other individual. His speech to the

Legislature was commensurate with the emergency: denouncing the increased arrogance of hostility, predatory and wanton, destitute of all generous principle, disgraced by pillage and conflagration, the avowal of laying waste our cities, and making common ruin of public and private property. Their object was, by a northern army penetrating from Lake Champlain to the Hudson, to meet a maritime force, to capture the city of New York, and thus sunder the States. To defeat such designs, said that noble-spirited young man, to whom a great State confided its destiny, it was necessary to exercise, immediately, fuller powers, and ampler resources, than the Legislature had placed in his hands, transcending the means and authority vested by law in the Governor, satisfied of the Legislature's eventual approval. While the illegal measures of Massachusetts, craftily ordained, were hatched with clandestine apprehension, patriotic vigor, beyond law, in New York, was openly announced to the Legislature, and before the world, in full confidence of indemnity from the one, and approval of both. While, in the Legislature of Massachusetts, their proceedings were absurdly disorganizing, the day after Governor Strong's message, Mr. Low having moved for a committee to confer with all the New England States, and repair to Washington, personally to make known to the President that he must either resign his office or remove those ministers who, by their nefarious plans, ruined the nation, that crudity was contrasted with the orderly and federal spirit which animated the republican Legislature of New York. At Boston, a committee was appointed to inquire and report whether any members of the Senate voluntarily assumed on themselves any obligations to the king or government of Great Britain incompatible with their duty as members of the Legislature of Massachusetts, or their oath to support the Constitution of the United States. At Albany, energetic and rational legislation characterized a trying conjuncture, eliciting from a large republican assembly, measures of more rigor and dispatch than often proceed from royal dictation, or despotic unity of action. After a short and memorable session of only four weeks, the Legislature adjourned, having enacted laws —

- To authorize the raising of troops for the defence of the State;
- To encourage privateering;
- To authorize the raising a corps of sea-fencibles;
- To provide for the repayment of certain sums of money, advanced by the corporation of the City of New York, for the defence of the State, and for other purposes;
- To prevent the apprehension of British deserters;
- To authorize the raising of two regiments of men of color;
- Authorizing additional pay to the volunteers and militia, called into service by the State authority;
- To aid in the apprehension of deserters from the army and navy of the United States.

Both houses, on motion of Mr. Monell, —

“Resolved, *unanimously*, That the General Assembly of the State of New York view, with mingled emotions of surprise and indignation, the extravagant and disgraceful terms proposed by the British commissioners at Ghent; that, however ardently they may desire the restoration of peace to their country, they can never consent to receive it at the sacrifice of national honor and dignity; that they therefore strongly recommend to the National Legislature the adoption of the most vigorous and efficacious measures in the prosecution of the war, as the best means of bringing the contest to an honorable termination, and of transmitting, unimpaired, to their posterity, their rights, liberty, and independence.”

There are few, if any, other instances of a Legislative body applying the whole time of an industrious session to warlike measures, exclusive of all others. In that spirit, several of the States dedicated their time, resources, and talents; reduplicating and stimulating, by States, the then redoubled efforts of the Union. Repeating, as a republican governor, the sentiment uttered by Governor Chittenden as a federal governor, Tompkins told the Legislature that, “The acrimony of party has disappeared in combined exertion for the maintenance of national honor and common safety.” With patriotic fervor, predicting the future grandeur of that empire commonwealth, more populous, richer, and more powerful, incomparably more enlightened, orderly, and prosperous, than most of the minor kingdoms, stronger than all together of the sovereign principalities of Europe, “The present,” Tompkins predicted, “will be a proud era in the history of New York, develope her vast resources and strength of her population, the liberality of her Legislature, the patriotism of her citizens, *impart vigor*

and efficiency to their national arm, secure and perpetuate the independence of the United States."

By measures, and likewise by words, which, uttered in earnest, are often equivalent to acts, the States and their constituted authorities nobly rallied to the Union. In that extremity of need which war sometimes brings home to every nation, and when it is even yet error to suppose that republican confederated government is weaker than consolidated monarchy, not only the people, but the States of the American nation stood erect and undismayed.

Among the most comprehensive, efficient, and satisfactory of all the several acts of the State Legislatures for raising forces, was that adopted by the Legislature of Maryland, on the 31st of January, 1815: late, indeed, and therefore not carried into effect, but nevertheless deserving of notice and commendation. For the defence of that and any adjoining State, and the District of Columbia, there was to be forthwith raised and kept up, by voluntary enlistment for five years, unless the war terminated sooner, five regiments of infantry, distributed in one division of two brigades, infantry, artillery, and riflemen, with liberal pay, rations, and pensions for the disabled; subject to the rules and articles of war of the United States, then or thereafter established. The Governor and Council were authorized and required to place the said troops under the control, direction, and authority, of the President of the United States, to be employed in conformity with the provisions of the act, which laid no other restrictions on their employment, than that it should not be west of the Susquehanna, nor north of the counties of Lancaster, Berks, and Northampton, in Pennsylvania, nor in Virginia, west of the Blue Ridge, or south of James River. There was also provision that the government of the United States should declare, before the Maryland troops were required to serve, that they should be paid, clothed, and subsisted, at the expense of the United States, and reimburse the State what it might pay for them, or to assume the debt it incurred for that purpose. Such a law from a State whose government was politically unfriendly to that of the nation, is striking proof that war, if continued,

would have been effectually sustained by the whole Union ; — authorizing expectations that even the Massachusetts troops, if raised, would, like those of Maryland, unite with all other State troops to afford adequate defence for all the Atlantic region, and allow the President to employ the whole army of the United States in offensive operations. Robert Goodloe Harper, Mr. Taney, the present Chief Justice of the United States, the venerable Charles Carroll, Colonel John Eager Howard, nearly all the eminent federalists of Maryland, rallied to the national government, and supported the war, however opposed to Madison's administration. Alexander Hanson's speeches in Congress were national, notwithstanding the extreme violence of his journal, the Federal Republican.

Opposed to conscription, which was generally dreaded as French conscription, the Legislature of Maryland, by resolution, addressed Rufus King, thanking him for his constitutional resistance of a bill requiring the State militia to furnish recruits for the regular army of the United States ; to which Mr. King replied, on the memorable 8th of January, 1815, that he had "felt himself obliged, by a faithful regard for the general safety, at a period of great public difficulty, without reference to the past, *to vote for supplies of men and money*, and other important measures, within the pale of the Constitution."

William B. Martin, acting Governor of Maryland, in his message to the Legislature, arguing, indeed, that the war was defensive, as in that region it was, and denouncing the inefficiency of the federal administration, still called the people to action, and vaunted their triumphs.

"In the third year of a war, which we ever deprecated as unnecessary in its origin, and ruinous in its consequences, we behold our national treasury exhausted, our councils confused and vacillating, and the people borne down with difficulties, while the administration are as far from obtaining the ostensible object of contention as when they issued the first Canadian proclamation ; nay, they have even abandoned it as a forlorn hope ; for, in the late instructions to our envoys, it is no longer insisted on as a *sine qua non* of a treaty, that Great Britain shall relinquish the right of impressment. Amidst this general suffering we have, however, the consolation to perceive a spirit of liberty, and love of country, animating the hearts of our citizens.

Though we are baffled in our attempts at foreign conquest, success attends our gallant navy, and (with one disgraceful exception) victory has crowned us in every conflict undertaken in defence of our homes. Here we fight the cause of virtue, and may therefore rely on the protection of Heaven."

Thirty-three years after that crisis, an Act of Congress, on the 3d of March, 1847, appropriated \$60,000, in addition to former grants by Congress, to Governor Tompkins and his family, for his noble services in 1814: so that republics are not always ungrateful. At the same session of Congress, and almost every other session before and since, a claim of Massachusetts, for pay of militia-services in 1814, has been constantly rejected: so true is it that a bad name is unprofitable as well as odious; that the worthy do not always go unrequited, or the unworthy unpunished, even if not as guilty as supposed to be, when their misconduct rouses suspicion in the political world, which, like the moral, is not without its retributions.

A great majority of the confederated States rallied to the Union, to save it from one anarchy-State, in effect combining with their common enemy. In the tranquil dignity of regular governments, New York, Pennsylvania, and Virginia, stepped forward to rescue and maintain their national existence, and uphold, by the transcendental sovereignty of States, a national empire erected on their broad bases. Nor could any disorganizing State, however mischievous and embarrassing, counteract their force, or escape the odium of its own false position. Like an unsphered star, or deserter from his post, Massachusetts was more demonstrative than formidable, less dangerous than alarming. Tompkins's dictatorial usurpation, to save a State, was popular and rational: Strong's tergiversation, to dismember one, odious, and remorseful to himself and his abettors. Tompkins repelled invasion, which Strong invited and submitted to. Chittenden's proclamation was virtual panegyric of Tompkins, and reproach of Strong. Conspiracy and treachery, always abhorred, were the means of Massachusetts to enlist other States in what was stigmatized and ridiculed as the Kingdom of New England, discredited and prevented by a harmonious union of States, by the same means that defeated

the foreign enemy. Strong's dark and ungenerous suggestions, further disclosed, but still in portentous mystification, by Otis's resolutions, Tompkins's bold recommendations contradicted by constitutional acts, proposed by Mr. Van Buren's report in the Senate of New York, and effected by the proposition of Erastus Root, to raise 20,000 men, with other such war-measures, as put the occult and treacherous schemes of Massachusetts at defiance, even though seconded by all New England, the abortion of whose separate confederacy New York insured.

The West and the South stood forth in strong contrast with the East. For sailors' rights the West had none but national occasion for action; nor the South much. Yet Kentucky and South Carolina nobly rallied to the country's standard, when deserted by Massachusetts, though unfurled in her cause and at her instance. Governor Shelby, on the 25th of January, 1815, by special message to the Legislature of Kentucky, called forth that local power of the American people which has at all times proved so reliable when the State-authorities, whatever their party-politics, are well disposed.

"We have too deep an interest," said this patriotic invocation, "at stake, to rest our sole reliance on the general government. A lengthy session of Congress is drawing to a close, and no adequate provision for raising forces for the defence of the country. Whilst they are disputing about the details of a bill, the time for acting may pass away, not again to return. In this situation, it would be criminal neglect of duty not to use the means in our own power. I therefore recommend the immediate passage of a law for detailing and organizing 10,000 men from the militia of this State, to serve six months, — camp equipage, and boats for their transportation, and for any corps of volunteers who may offer their services. I have strong reliance on the justice of the general government, and that any necessary expense incurred in sending any reinforcement to General Jackson will be repaid by the United States."

No two surviving officers of the Revolution, become governors of States, appeared in contrast so striking as Shelby and Strong, nor any two States more than Kentucky and Massachusetts. While not a man moved, and Strong discouraged every attempt, to retake the captured part of Massachusetts, all Kentucky would have rushed a thousand miles, with Shelby at their head, to rescue New Orleans.

Every judgment, even recollection, is affected by individual feeling. Many respectable persons, opposed to the war, thought then, and said afterwards, that the country was in jeopardy, the Union on the verge of destruction, and American exertions, nearly exhausted, about to be paralyzed. I never thought so. Young, and ardently devoted to the war, I believed the nation sufficiently united and abundantly able to vindicate itself. The crisis was fruitful of nationality. Local, factious, and State or provincial antipathies yielded to national influences and were absorbed by general sympathies. Disaster at Washington, dishonor in Massachusetts, peril in Louisiana, triumphs in Canada and everywhere by water, touched every fibre of a nation formed to be one and indivisible, not only identified by its State-sovereignties, but corroborated by excessive and unconstitutional State and party opposition. The enemy, by universal invasion and atrocious hostilities, rendered the war undeniably defensive and unsparingly dreadful. While, in salutary perturbation, part of Massachusetts was conquered territory, unresisting, Boston, when the State-authorities had refused to defend the State or the national ships of war, was compelled to arm for its own defence against ruthless, indiscriminating national enemies. While Washington was a heap of ruins, New Orleans struck glorious blows, which vibrated in every national fibre throughout New England. While Congress faltered, under flattering expectations of peace, fearing to risk sickly popularity, the people and the States, like the most reliable corps of armies reserved for the turning point of battles, stepped forward, the people in their sovereign, States in their transcendental capacities, to rescue the Union, rebuke its opponents and hesitating functionaries, and strike the final strokes of victory. Patriotic States put forth redoubled resources. Disaffected States hesitated, and were overwhelmed by reaction. The earliest colonial consociations, with aboriginal sympathies, prevailed. Parties, severely tried, were constrained to renounce or change some of those professed as principles. Jefferson's saying that a federal Constitution might have been accomplished by three or four articles added to the good old fabric of Confederation was disproved

by some of his nearest adherents in Congress, who clogged the wheels of war. How much its money-sinew was improved by the present Constitution was demonstrated by adequate taxation, levied directly on the people, and everywhere well paid. If the man-sinew was found left too much with the States, yet that consolidation and centralization are more dangerous than localized power was admirably displayed at most of the State seats of government. When Congress shrunk from great efforts for raising armies, the States professed them. If the war had continued through another year, in all probability, soldiers, equipped by the States, from the South-west would have triumphantly flashed their arms in the furthest North-east, and the yeomen of Tennessee united with those of Maine to reconquer the Penobscot Valley and super-add Nova Scotia. States enough to maintain the Union and victoriously wage its war rallied to the President, when vehemently opposed by party and deserted by some of his own in Congress.

There were, too, numerous instances of individual patriotism of which some deserve to be mentioned. General Thomas Pinckney, commander-in-chief of the South, was of the federal party; and William Polk, of North Carolina, who published his determination to sustain the government against the degrading terms demanded by Great Britain. Daniel Huger, appointed to command the troops voted by South Carolina, and Robert Taylor, appointed to command those voted by Virginia, were likewise taken from that party. In the Senate of Pennsylvania, Nicholas Biddle, in that of Massachusetts, John Holmes, renounced party for country. Washington Irving served as one of Governor Tompkins' aids-de-camp. James Lloyd, of Massachusetts, and John Randolph, of Virginia, appeared in the publication of long letters on the crisis, in which the war was disapproved and the administration condemned, but neither the Union nor the country. The ignoble retreat of the emissaries appointed by the Governor of Massachusetts to represent the Hartford Convention at Washington — their almost clandestine transit through New Jersey, homewards from their mission of disunion, encountered the indig-

nant rejection by that State of the proceedings of the Convention, officially communicated by the Governor of Connecticut to the Governor of New Jersey, and by him to the Legislature. A committee, of which Jonathan Dayton, once federal Speaker of the House of Representatives of the United States, was chairman, reported, in strong terms of condemnation, a resolution to reject the odious suggestions of the Convention.

The Navy of the United States was, if not the offspring, at least the resurrection of the war of 1812. William Jones, who, some time after it began, succeeded Paul Hamilton, and, shortly before it closed, retired, to be succeeded by Benjamin W. Crowninshield — William Jones did not leave it without a departmental testament, by which many of its subsequent improvements were suggested. The Senate, on the 14th of March, 1814, on motion of John Gailliard, passed a resolution which produced Secretary Jones's report, dated the 15th of November, 1814, just preceding his resignation, on the first of December. The Navy Department then was but the beginning of the important branch of government it has since become. Before the war of 1812, the Department of State was the principal medium of the intercourse of the United States with foreign nations, with whom, while the United States were weak, reason was the principal and almost only method of remonstrance. Raised on the basis then laid, the Navy, with their growth, since contributes to the cheaper and more effectual prevention of hostilities by the display of a flag in foreign places, more impressive than the arguments of negotiators. Captain Jones, a merchant and ship-master, in his farewell report, suggested several improvements, particularly a Board of Assistants for the Naval Department, such as has since been found necessary and adopted in the War and Treasury Departments, and, in some analogous form, is almost as much required to relieve the overtasked and confused functions of the Department of State. In efficiency, equipment, and good qualities generally, Mr. Jones declared the navy not excelled by any other; the seamen better paid, fed, and accommodated. Notwithstanding wages of labor double the English, and prices of other things enhanced by war, an equal number of tons, guns, and men, in

our service, cost less, he said, in proportion, than the same number in the British navy of 145,000 men, costing annually \$100,000,000. The vast distances of our local service, sea and lake, the Secretary estimated, besides weakening it, deprived us of seamen enough to man thirteen ships of the line, sufficient, if concentrated, to keep our coast clear of blockade, our waters of invasion, to injure ruinously the British commerce, if not invade British harbors, and supersede the necessity of large military establishments ashore, to combat predatory incursions by expensive, harassing, and ineffectual calls of militia. Such, the Secretary said, were the unreformed defects in British naval construction that, of Nelson's 17 ships of the line, there were seven different classes of the same kind (74-gun ships), so differently masted, sparred, and rigged, that, if one was disabled, all the other six could not supply her wants. Of 538 ships, in the British navy, only 69 were in reality superior to some of the American frigates, to which they were inferior in sailing; leaving 459 British vessels, out of 558, unable to contend with those frigates. Twenty American ships of the line, therefore, the Secretary estimated an overmatch for the whole immense and seemingly overwhelming British navy. The British military organization, sea-regulations and service, he considered much better than their system of construction, in which he ascribed superiority to the French. American commercial and navigating enterprise impart their energy, skill, vigilance, security, and intrepidity to the Navy, with superiority of build and celerity of sailing, indigenous to America, and obvious in the commercial as in the military marine. One 74-gun ship requires 57 acres of 2000 large oak-trees, such as are found only on our southern seaboard.

The Secretary recommended a register of American seamen in the several districts of the United States, and provision by law for classing and calling them by turns into the public service, in certain numbers and for settled periods, instead of voluntary enlistment, on which there is no reliance for any given object, time, or place. Mr. Jones recommended also a naval academy, for the instruction of officers in those branches of the mathematics and experimental philosophy, in the science

and practice of gunnery, theory of naval architecture, and art of mechanical drawing. His opinion was likewise that Admiral should be one of the grades of the American Navy, which was also his successor Benjamin Crowninshield's first report to Congress, the 17th of December, 1814. Accordingly, Charles Tait, from the Senate naval committee, reported, and that body passed, a bill for three admirals, which was reported to the House of Representatives by James Pleasants, from our naval committee, the 3d of January, 1815: but, before it was taken up for consideration, peace came, to undo much naval and more military organization. At that time there were 1300 guns in the Navy, and 500 on the lakes. That war has much augmented since the number on the ocean, and superseded the necessity of any future extravagance of naval operation on the lakes. The London Times of the 12th of February, 1815, said of this naval report: —

“In the extracts we give from the National Intelligencer our readers will notice a report from the Secretary of the American Navy, which is deserving of their most serious attention. The American cruisers daily venture in among our convoys, seize prizes, in sight of those that should afford them protection, and, if pursued, put on their sea-wings, and laugh at the clumsy English pursuers. To what is this owing? And will we not learn? Or, are there some fees of office, some stupid, senseless routine-regulations, in virtue of which our vessels are condemned to be unequally matched against the enemy, either by fight or flight?”

The few more acts of belligerent legislation, during the last session of the War Congress, may be summarily stated. The West Point Academy; a board of navy-commissioners; an Act for the better regulation of the ordnance department, putting the public armories under its direction, and adding various other provisions since in force; additional allowances for bringing home destitute and distressed American seamen; an Act making it the duty of staff-officers of the army to provide rations and camp-equipage for the officers, seamen, and marines of the navy, co-operating with land-troops on shore; and for quarter-masters of the army to furnish such naval co-operators with horses, accoutrements, and forage, when serving ashore; an appropriation of three millions more, in addition to two preceding appropriations, for the military establishment

of 1814; finally, the much-contested Act fixing the military peace-establishment, were the enactments of that session, besides some collateral provisions, of which a fuller account may be proper. On the 8th of November, 1814, when the House of Representatives authorized the building of twenty small vessels of war, the question, so frequent and natural in our legislation, arose between the regular and private marine, which, like that between the regular army, volunteers, and militia, and between other public services by individual instead of national contract and arrangement, will long be controverted, if ever determined. Many judicious persons argue that all the operations of government may be performed by private contract and transactions better and cheaper than by public management. The chairman of the naval committee urged that, for injuries to British commerce, privateers had been more successful and effectual than the navy; for glory, he said, the frigates had fought with great success. William Reed, of Massachusetts, a Salem merchant, if I do not mistake, declaring his want of confidence in the Secretary of the Navy, William Jones, whose intended resignation was that day announced, and complaining of the defenceless, as well as inactive condition of our large vessels of war, the Independence and Constitution at Boston, the Washington at Portsmouth, protected, he said, from hostile capture by cannon which Massachusetts and New Hampshire furnished, opposed any appropriation for building small vessels, till the larger were equipped and sent to sea.

Would you degrade, said he, our gallant officers, such as Perry and Macdonough, to service in a musquito-fleet? a force which, like the cowardly and ravenous hawk, is not to fight, but pounce on prey, and then take to flight. Sloops of war would be preferable to the schooners, which are unsafe, as well as inefficient craft. Of the 558 vessels of war in British commission, 290 would be an overmatch for them. In his nautical experience, square-rigged vessels were better sailers. He moved to reduce the minimum force to twenty, and the maximum, twenty-four guns: which amendment I moved to amend by taking eight guns and twenty-two as the range, correcting

Mr. Reed's misapprehension that the bill called for schooners. I reviewed the cruises of our frigates and sloops of war, and pronounced the capture of the *Guerriere* by the *Constitution*, in its naval, political, national, and moral effects, more important to us, and injurious to England, than all the captures of all our privateers, brilliant and destructive as they undoubtedly were. The most effectual cruise of all certainly was that of the little frigate *Essex*. Alexander McKim considered the smaller vessels the most valuable. They had annoyed the enemy's commerce much more than larger; which vessels, having reached the pinnacle of naval renown, he would send no more of them to sea, to be unavoidably overhauled by superior force, but attack England by small vessels, where she is most vulnerable, in her commerce, of which she now enjoys a monopoly, including the whole carrying-trade. Governor Wright, with his accustomed ardor, and considerable force, advocated small vessels, which Mr. Reid had compared to hawks, but Mr. Wright thought more like eagles; sailing, as they do, like birds, which cannot be caught or caged by blockade. It would be absurd to trust frigates at sea, against overpowering odds: and what discredit is there in running from superior force, falling back, as these schooner skirmishers do, on the main body? They can beat any square-rigged vessel. One of eight guns can capture a merchantman armed with forty. So peculiar is the Baltimore trim and rig, Mr. Wright had no doubt, if the enemy took one, that he would upset her, from ignorance how to manage her. Liquid fire, too, might be used, a contrivance which Mr. Wright was sure Mr. Reed's constituents would soon render available, if they were reconciled to the war. Mr. Lowndes supported my amendment, which would leave the size of the vessel to the Navy Department, surely more competent than this House to judge. Mr. Wright, he said, was mistaken in his preference for schooners. Captain Perry had told him that, in every case within his knowledge, United States brigs had overtaken schooners. My amendment was adopted; though the maximum was reduced, in the Senate, by General Smith's influence, to sixteen guns, in which shape, after committees of conference between the two houses, that

is, twenty vessels, from eight to sixteen guns, the bill became a law, on the 15th of November, 1814. While writing this account of that addition to the naval establishment of the United States, May, 1848, the naval committee of the House have just reported for twenty war-brigs, of not less than 450 tons, which are to be armed with not less than sixteen heavy guns.

On the 5th of January, 1815, a bill passed the House, to engrossment, which provoked all its party animosities. Fifteen hundred miles of conterminous territories, separated by ideal lines, whose governments, lawyers, traders, and clergy, proclaimed the iniquity of the war, encouraged treasonable supplies to the enemy with audacious, and sometimes ludicrous impunity. Against this system, James Fisk, foremost in war-zeal of the republican delegation of Vermont, expended his denunciations with a vehemence that could hardly fail to provoke recrimination. Vermont was a market overt for British supplies, effected with all the craft and dexterity of unconquerable avarice. Dead oxen, frozen stiff, slid from a hill into the enemy's territory, and then represented as going there, when impossible to stop them, was one of the many fraudulent contrivances by which money was made, in the very midst of American troops, and in spite of military and civil vigilance to prevent and punish it. Comprehensive and sufficient enactments of federal interdict were not effected till the 4th of February, 1815, only ten days before the peace, when it became necessary to repeal them, in great measure, almost as soon as enacted, and limit the modifications to a single year. Nor was the bill, at last, achieved without one of those disorderly legislative commotions, if not the only one of that Congress, like all passionate occurrences, differently represented by the conflicting parties. After motions by Mr. Grosvenor, Mr. King, Mr. Stockton, and Mr. Wilson, to strike out the strongest, and, to them, most odious features of the bill, about night-fall, nearly the whole federal party left the House, deserted also, by that time, by many of our party, so that it was without a quorum. A call of the House produced but ninety-two members; enough, however, to pass the bill, and fix on

the absent, of whom I happened to be one, but not a refractory absentee, the odium of malicious departure. So, at least, our party and papers loudly declared. As most of the absentees were of the opposition, worsted through the day in reiterated, angry conflicts, we charged them with an illegitimate endeavor to defeat a law. Minorities sometimes descend to such contrivances. The law which occasioned so desperate a resort, was an indispensable exercise of federal authority, if the war had continued. So audacious were the uses made of State-laws, to fetter and annul hostilities, and even punish their most meritorious heroes, that, a few days after the Plattsburg victories, McDonough was arrested by a sheriff's officer, and forcibly taken out of a procession, of which he had been invited to form a conspicuous part, at Burlington; compelled to answer for a trespass alleged against him by a person who sued the American naval commander for illegal injury to his property, by belligerent operations. Freaks of freedom, and licentious litigation, by process of State courts, were among the many Eastern impediments opposed to the war, which were just sinking under victory and energy when the war closed.

Among the devices for supplying the paucity of regular troops, it was suggested by a Western militiaman, who had been taken prisoner, and while so, learned from the British their nefarious plan to land a large force in the South, there free and arm the slaves, and, with negroes, Indians, Italians, French, and other freebooters recruited in Europe, under English officers, overrun the slave-states — that, to counteract such a plan, an army of slaves should be raised, the bounty and pay given to their owners; the slaves eventually to be set free, and endowed with public lands. By consolidating the regular regiments, and transferring their supernumerary officers, to command the slave-regiments, it was supposed that a considerable additional regular force might be raised. Experience having shown that blacks, accustomed to obedience, and inured to hardships, need only discipline and practice to become good soldiers, the suggester of this method of recruiting urged it on public attention. General Jackson made excellent use, both of slaves and free blacks, on the fortifications,

and in the battles by which he repelled the English, who brought black regiments with their army. There were, toward the end of the war, companies of black troops in the north.

The State of New York contemplated raising a regiment of free blacks, whose excellence as sailors was well established. Their hardy constitutions, habits of subordination, muscular strength, and great numbers, were held forth as inducements of their employment in military service. Exempt from militia-duty, and mostly too poor to pay any taxes, they were a class of the community contributing nothing to public purposes. It was even suggested that the casualties of military life would be useful to diminish the numbers of an anomalous race, whose fecundity and longevity were public grievances. Those who held blacks as slaves were not afraid of the effects of such employment of the free blacks.

Belligerent resources, ingenuity, capacity, and power, were just awakening in the United States the mighty developments which war elicited from distressed, beleaguered, and alarmed, but unconquerable, Great Britain. The energies and spirit of popular representative government, of confederated States, and a much more homogeneous people, were just coming to maturity when hostilities ended. At the worst, Eastern disaffection was no more embarrassing or alarming here than Irish to England. All we wanted was what they had, a government not afraid to call forth the utmost effort of the people. In the spring of 1815, 100,000 regular soldiers would have taken the field, under Brown and Jackson, ready to march anywhere: and 100,000 good militia would have guarded the coasts, freed however by the stress of war elsewhere. 600 carpenters had laid the keels of one 98-gun ship, another of 74 guns, and a third of 44 guns on Lake Ontario, the only lake not in our possession. And when, on the first of May, lake-navigation opened, the largest American fleet that ever floated, completely armed and equipped, fully manned and admirably officered, would have effectually put down all British contest for our inland seas.

The mere ruffianism of war was indeed in issue: but principles were staked, and large part of a continent to be fought

for. The Southern victories, superadded to many others, the undeniable fact that all our battles were victories, that with fewer forces our arms never failed to overcome the British — that vast illusion of ascendancy — filled our ranks with soldiers, our soldiers with confidence, and gave our cause all the force of imagination. The sword, the word, the world, were all with us. The British press, metropolitan and provincial, was groaning under defeat and disaster. After what was done at New Orleans, what could not be done? The triumph of triumphs there was the death-knell to factious or traitorous disaffection, when, most unexpectedly, Great Britain lowered her terms, and gave us a tolerable peace at Ghent, which military accompaniments at home rendered highly favorable, saluted by British groans and American exultation. To be sure our whole country was delighted when war ended, like a child, chastised by a severe parent, rejoicing in the parental smile restored, however unmerited the punishment. American disgust with England it required more than two cruel wars, with many years of intermediate contumelious wrongs to provoke; and it was always in English power, by mitigations, to renew our first love. When, therefore, there was nothing but vengeance and hatred to fight about, and peace and victory came together, the American nation, ambitious and sensitive, but not ill-natured or hateful, and elated by universal victories, embraced peace with eager, unanimous, and cordial welcome.

Peace came indeed with great welcome. We were still faintly discussing a bank, — classification, as proposed, had entirely failed; and though taxation was doubled, still the New Orleans triumphs were the only pleasant end of congressional inaction, when, in the evening of Monday, the 13th of February, 1815, a rumor of peace agitated the welkin. No one could tell where it came from, with what probability, on what terms, or any thing about it. The President knew nothing of it, and Congress had no reason to believe it; yet the rumor embalmed the atmosphere, and hopes of its reality overcame all objections. During the preceding fortnight, there had been many favorable reports, from various British sources; and, though the President and the Court-Gazette (as the Federal

Republican called the *National Intelligencer*) discredited all such fond illusions, yet their consoling unction was taken to heart, and soon proved delightful reality. We all desired peace. Jackson's victories indeed sensibly diminished both patriotic and party-anxiety. After the campaign of Louisiana, superadded to those of Canada, we believed ourselves able to cope with the British by land as well as by water. The serene and much-abused chief magistrate never lost his confidence; his right arm, Monroe, was one of those tempers which rise with an exigency to a pitch of resolution; his left arm, Dallas, often excited to tears, was loftier every day, as financial difficulties and congressional vexations thwarted him; and while it is easy and common to say that government was at its last gasp, I believe that Congress, however intractable, would at last have seconded the Executive by powerful acts, if indispensable. The only ruinous calamity of the struggle, disunion by civil war, was no longer to be feared, when the small cabal of Boston malcontents, so long ruling several Eastern States, confounded, terrified, and coerced into the Union by Southern success and universal confidence, laid down their arms, and the Hartford Convention, once dreaded as a tragedy, became a mere farce. Washington, ruined, was the heart of a nation, whose pulsations at the New Orleans extremity throbbed at Boston. Material interests proved their bonds stronger than political compacts. Louisiana became part of the United States, in spite of constitutional difficulties, by a great continental convulsion. Southern staples began their plea with Eastern navigation, and State-attachments followed, like personal friendships, from similar likes and dislikes. Massachusetts felt that her prosperity depended on Kentucky and Tennessee rescuing New Orleans from English power. The 70,000 boasted militia of Massachusetts, with folded arms, suffering, almost rejoicing in the hostile occupation of part of their State, beheld, with national shame, whole brigades of unarmed Western soldiers, whom they had disclaimed as fellow-countrymen, starting, like men of Cadmus, from the earth, and rushing a thousand miles to rescue French Creoles, whom the degraded and intolerant East were forced, by community of danger and exploit, to acknow-

ledge as their deliverers from renewed colonization. War constituted a nation, one and the same, from the Sabine to the St. Johns, which destiny was soon to carry to the Rio Grande and the Pacific, as that war, if not first deserted by New England, and then by Old, would have carried American confines beyond Halifax and Quebec, and Eastern navigation and commerce far beyond those of Great Britain. — Paper-money, never beat, would do for us against England what England with paper-money had done against all Europe — paper-money, according to one of Macon's axioms, never beat.

Approaching now the end of the conflict, appreciating too the transports of relief and joy with which peace was welcomed, the truth will not be told without declaring that there were considerate Americans who regretted that the genius of our government was not put to the trial of another campaign, of which the military spirit, though it might have been dangerous to our free institutions, would have been much more fatal to Great Britain. That inscrutable and inexplicable mystery, called credit, with which Great Britain vanquished Napoleon, as with that similar talisman, which Danton recommended to the French, as daring, Napoleon conquered all but England — confidence had become an American faculty. The navy, the army, the people, all, but the government, were confident, and although Congress faltered, the Executive was resolved. The result might have been military ascendancy and national debt, instead of peaceful prosperity. But the end would have been victorious.

The editors of the National Intelligencer having (on the occasion of Mrs. Madison's death) given a much gloomier account than my impression of the last session of the War-Congress, and their opportunities of knowledge having been as good as mine, I think proper to incorporate their view, as follows: —

"Congress had assembled on the 19th of September preceding — not, as might be supposed from the date, in consequence of the then recent capture of the city by the enemy, but in pursuance of a requisition by the President anterior to that event, calling Congress together (as the President informed the two houses in his message at the opening of that session) for the purpose of supplying the inadequacy of the finances to the existing wants of the Treasury, and of making further and more effectual provisions for prosecut-

ing the war. During the recess of Congress, the honor of the arms of the United States had been gallantly sustained in every conflict by land and sea: politically considered, the capture of Washington itself, and the destruction of the Capitol and the other public buildings, so far from being a misfortune, was for the administration a fortunate event, by its effect in exciting indignant feeling throughout the country, uniting the people in support of the common cause, and preparing their minds for the additional burden of taxation which it had become obvious that they must be called upon to bear. All that was wanting to the vigorous prosecution of the war was the provision of men and money for the purpose. The progress of recruiting for filling the ranks of the regular army had already proved entirely too slow, if not a total failure, as had the resource of loans for the support of the government as well as for carrying on the war. The army, whose organization was, on paper, more than 62,000 men, comprised an actual force of only 32,000, exclusive of officers, of which force probably not more than one-half could be relied upon for effective service; and the credit of the government had sunk so low that plummet could hardly sound the depth of its degradation.

"At the opening of the session, the President, in his communication to the two houses of Congress, with eloquent persuasion, endeavored to impress upon them the necessity of making *immediate* provision for filling the ranks of the army and replenishing the public Treasury. In this purpose he was earnestly seconded by Secretary Monroe, of the War Department, and the new Secretary (Mr. Dallas) of the Treasury Department.

"Towards the first of these objects a bill was soon matured, and afterwards received the assent of Congress, extending the age at which recruits might be enlisted to fifty years, doubling the bounty in land to each, and removing the interdiction upon the recruiting of minors and apprentices. This measure was a mere experiment, of no practical value, as the event showed. The plan for filling the ranks of the army upon which *the Executive* relied, and which was placed before the Senate in a bold and energetic report from the War-Secretary, was to form into classes, of 100 each, all the population of the United States fit for militia-duty, out of every class of which four men 'for the war' were to be furnished within thirty days after the classification, by choice or 'by draught,' and delivered over to the recruiting officer of each district, to be marched to such places of general rendezvous as might be directed by the Secretary of War. This plan, which, as the reader will perceive, comprised all the essential features of the French conscription, though perhaps the only one which at the time promised effective results, found from the first no favor, especially in the House of Representatives; and became more and more obnoxious the more the administration seemed to have it at heart. Hardly any one in Congress had the courage to allude to it. Mr. Troup did indeed prevail upon the Military Committee, of which he was chairman, to allow him to report a bill, conformable to the Executive recommendation, by the pregnant title of 'An Act making provision for

filling the ranks of the regular army by classing the free male population of the United States; and the bill was referred to a committee of the whole House—and never after heard of. In the course of the session some Acts had passed looking to the employment of volunteers and detachments of militia, under the old plan, for short terms; and one of more importance, ‘to authorize the President of the United States to accept the service of State troops and of volunteers.’ This last was not only the most effective measure which had passed towards the supply of men for carrying on the war, but it was the most so that was likely to pass.

“In the first three months of the session, Congress also had, in conformity with the recommendations of Mr. Secretary Dallas, in his first report (made on the 17th of October), passed Acts laying direct taxes and excises on various objects, which, it was calculated, would produce annually sixteen millions of dollars of revenue; which taxation, however,—though wise legislation, as far as it went, and indispensable as a basis for future loans or credits in any form—could not become available for purposes of immediate necessity, nor to any important amount within the year. It is of the essence of direct taxes and excises, besides their being oppressive and vexatious, and the most expensive in collection, that they cannot be relied upon for any emergency, because of the time that is requisite to make them begin to be productive.

“These were all the measures, adapted to the existing state of war, which had been matured in Congress up to the middle of February.

“The truth to say, indeed, notwithstanding the nature of the emergency, a dogged inertness seemed to paralyze the action of Congress during the latter part of that session. The recommendation to recruit the army by drafts from the militia was not only unwelcome, as we have said, but revolting to the inclinations of the popular branch of Congress; so much so that a great proportion of the members of that body (and among them some of the leading and most conspicuous members of the republican party) shrunk from it as from the plague: and, as though the leprous influence of that proposition contaminated every other part of the plans of the administration, it was with almost equal reluctance that the House approached the consideration of *adequate* measures (such as Mr. Secretary Dallas frankly and fearlessly recommended) for the support of the public credit and for strengthening the sinews of the war. Three months of the session were spent, and lost, between the two houses, in the discussion of a bill to incorporate a Bank of the United States, upon a plan recommended by the Secretary of the Treasury as a fiscal measure; the contestation concerning which resulted in the passage of a bill for a bank of entirely different construction from that recommended by the Treasury. To *this* project of a bank, when presented for his approbation, the President refused his signature, for the sufficient reason that, instead of promising any aid to the government in its time of need, the bank, as proposed to be constituted, could not be relied on during the war to provide a circulating medium, or to furnish loans or anticipations

of the public revenue. Much time was consumed, besides, in debates upon questions which ought never to have been suffered to interfere with the discussion of measures of vital consequence, demanded by the alarming state of prostration and financial debility to which the government was reduced. Several days were passed in the consideration of an abortive proposition to remove the seat of government from Washington; and, whilst the enemy was almost actually in sight from the windows of the building in which Congress was temporarily sitting, gentlemen found time to make and argue idle propositions for amending the Constitution, and to squabble about private claims older than the government itself. At the very most critical moment, for example, one whole day was spent in debating a bill, with the merits of which all the members were by long acquaintance made familiar, to pay for Amy Dardin's horse!

"President Madison, and his friends and faithful counsellors, were fully aware of the dangers by which the Ship of State was surrounded. They saw the breakers ahead, and heard their roar upon the rocks. With all the anxiety and apprehensiveness for the safety of the country with which such warnings of danger filled their minds, no exertion was spared by them, in public and in private, to induce the two houses of Congress to set themselves earnestly to the completion of the task for which, in anticipation of the regular time of meeting, they had been convened six months before.

"The National Intelligencer, representing the views of the administration of that day, put forth appeals, the high authority of which could not well be mistaken, to the patriotism, the sense of duty, the pride of consistency, of the representatives of the people. In those appeals, the magnitude, and the power, and the resources of our adversary, augmented by his late successes, by the overthrow of the colossal power of Napoleon, and the consequent general pacification, were not underrated. But, it was urged, experiment had already shown that even the conquerors in the wars of Europe, in all the numbers that could be transported over a sea three thousand miles in width, would not be a match for the heroism and discipline of American soldiers, fighting for their homes and their altars—for the honor and glory of their country; that nothing, it was certain, was necessary to our success in this contest but the organization of an adequate military force, and of an effective fiscal system, both easily practicable; and that nothing was necessary to supply both these wants but a liberal spirit of accommodation, essential in all deliberative bodies, among those who sincerely wished to *save the country*, to establish its rights, and to vindicate the reputation of free forms of government. The lion-hearted and uncompromising Monroe, then Secretary of War, never failed to repeat to committees, and to individual members of Congress, on all occasions that offered, the same arguments which he had, early in the session, pressed upon Congress in an official letter to the military committee of the Senate; such as, that the United States must, in this conflict, *relinquish no right, or perish in the struggle*; that there was no *intermediate ground* to stand upon; that the contest was

one for existence, all doubt of which, if any remained, had been dissipated by the latest despatches from our ministers at Ghent; that the only way to bring the war to a close was by a vigorous prosecution of it, carrying it into the northern possessions of the enemy on this continent; and that, if the means placed at the disposition of the government were not fully adequate to that end, discomfiture must ensue. Nor was President Madison at all behind Mr. Monroe in courage or in firmness of resolve. Mr. Monroe in all things—even in his military plans, which Congress would not carry out—spoke the language of the President, which the President himself repeated on all opportunities which his station allowed to him.

“The month of January was already far advanced. One month of the session only remained; and yet nothing effective had been done in Congress. The Secretary of the Treasury (Mr. Dallas), ever faithful and fearless in the discharge of his official duty, addressed to Congress, on the 17th of January, through the committee of ways and means of the House of Representatives, a report, in which, after informing the committee that he should still respectfully and deferentially have awaited the necessary action of Congress upon his report of the 17th of October preceding, but for the near approach of the day at which the term of existence of the present Congress was to expire, he placed before them, in naked figures, these startling facts: that the amount of money required for the service of the government for the year 1815 was fifty-six millions of dollars; that all the means at the command of the government for the same period—including the revenue from customs and internal taxes, as well as the proceeds of loans and treasury notes—was but fifteen millions of dollars; and that there existed, therefore, a deficiency in the means required for the service of the current year of upwards of forty millions of dollars; and that provision of adequate means to supply this deficiency was necessary to save the government from bankruptcy and disgrace. These were not the words he used, but they express his meaning. To enable the government to accomplish this object, besides the resource of loans, and a further issue of treasury notes to the amount of fifteen millions (being the largest amount which was deemed available), the Secretary recommended that taxes be laid on incomes, on inheritances, law processes, mortgages, dividends on stocks, and on manufactured flour.

“This report, instead of stimulating Congress to a vigorous effort, such as the emergency required, seemed to have the same staggering effect as the proposed conscription had had in regard to filling the ranks of the regular army. The members stood aghast at the proposition for heavy taxation upon objects so sensitive as those proposed by the Secretary. Up to the 13th day of February, no report was made to Congress by the committee of ways and means upon any one of the Secretary's propositions, except by a bill to authorize an issue of treasury-notes; and, as if a flood of those could compensate for the absence of revenue, or substitute it, that bill contemplated an issue to the amount of twenty-five millions, instead of the fifteen

millions which the Secretary had advised, though it was notorious that the treasury-notes were at that very moment selling at from twenty to thirty per cent. below par, and, at that depreciation, constituted the only resource of the government for the payment of the expenses of the army, the navy, and the civil list, and even the dividends of stocks upon the public debt.

Thus, two weeks only of the Session remaining — at the moment when Great Britain was, according to the latest accounts from Europe, baring her arm against us, resolved to exert her whole land and naval power for our annoyance — what was the condition of the country? The spirit of the people was up; but the spirit of Congress was below that of the people, and the Executive was left powerless. The only means at its command for prosecuting the war, or even to pay the civil list, consisted, in the financial department, of a treasury with nothing in it, the chief reliance for supplying it being the proceeds of six per cent. stock, sold to speculators at the rate of one hundred dollars in stock for eighty dollars, payable in the notes of suspended banks, which notes were selling in the market at thirty per cent. below the par of specie; so that for every hundred dollars in stock (when purchasers for it could be found) the government was in reality getting only fifty dollars in value! The circulating medium, at the same time, was altogether made up of the depreciated notes of suspended banks, and trumpery bills of less denominations, issued by Tom, Dick, and Harry, the broker, the baker, the barber; by every individual, in short, who found it convenient to emit them.

“As to the military department, the paucity of means at the command of the Executive may be justly appreciated by the fact that Major-General Jacob Brown (then commanding in chief on the northern frontier), travelling all the way hither over roads which were, at that season, almost impracticable, for the purpose of conferring with the Executive in regard to the approaching campaign, arrived in Washington, accompanied by several members of his staff, on the 6th day of February; and that, wasting no time in vain ceremony at so critical a moment, refusing the compliment of a public entertainment proposed to him by Congress, he departed, on the 11th of the month, on his return to his post of honor and of peril, generally understood to have obtained from the Executive — all that the Executive had to give — not the needed reinforcements of men and money, but plenary powers to call, in the name of the general government, upon the State governments, but especially upon the States of New York and Vermont, for State troops and volunteers (under the authority of the Act mentioned in a preceding part of this article), to constitute, with the small regular force at his disposal, a grand army for the invasion of Canada; and instructed besides, probably, to avail himself of the credit of the former of these States (which had, during the preceding campaign, done so much for the common cause) to obtain advances of money, to defray the expense of maintaining the force so to be called out. Such were the circumstances under which the campaign was about to open.

"The 13th day of February, down to which we have brought our sketch, found the House of Representatives engaged upon another Bank Bill, designed to assist the Treasury in anticipating the revenue to a sufficient amount to carry on the government — with small hope, however, though it was the last card of the Treasury, of being able to pass it in any shape to be useful either to the government or people."

My impressions differ from those of the editor of the *National Intelligencer*. There are errors of dates in his narrative, which I need not point out, because I think its errors of argument are much more striking. He does not even allude to Jackson's success at New Orleans, of which the intelligence, a few days before that of peace, put us perfectly at ease, both as to country and party. There was nothing to fear worse than another year's war, through which we were almost certain of going triumphantly. And Mr. Gales overlooks the two weeks then yet remaining of the session of Congress, in which final fortnight all that was wanting might, and probably would, have been done. These finishing two weeks are always the period of Congressional performance. The war-party had majorities in both houses. Adequate taxes were actually enacted. The country teemed with martial confidence. No elections to Congress were impending. If there had been, the war was popular. The national spirit, executive determination, military ascendancy, and, it may be added, the obligations of Congress, all guaranteed effective hostilities.

Official announcement of peace at Washington was preceded by the following occurrence: — The British sloop of war *Favorite* arrived at New York, Saturday, the 11th of February, and landed there Mr. Henry Carroll, the American bearer of the treaty, and Mr. Anthony St. John Baker, bearer of the English copy. Mr. Carroll did not leave New York till Sunday, the 12th, nor reach Washington till Tuesday afternoon, the 14th of February — good speed for those days of stage-coaches and bad roads. But private interest, as usual, outstripped public service; and one or more New York merchants despatched a secret messenger, preceding Mr. Carroll, to Washington. On Monday morning, Lewis B. Sturges, one of the Connecticut members of the House of Representatives, called on Mr. Thomas Monroe, the city postmaster, and asked him

to delay for a short time, half an hour or so, the departure of the mail from Washington for Alexandria, which had not been unusual, when requested by a member of Congress or other responsible person, for any unexceptionable purpose. Mr. Sturges's purpose was to anticipate Carroll's arrival, by affording opportunity for speculations in Southern produce and other goods, largely changed in prices by peace. Mr. Monroe asked for a reason why the departure of the mail should be put off, which, he said, could not be done without sufficient cause. Mr. Sturges replied that he would give it, if Mr. Monroe would first give his word of honor not to divulge the purpose. Mr. Monroe, influenced by the respect due to a member of Congress, gave the promise of secrecy. Whereupon Mr. Sturges told him that peace was made at Ghent, and intelligence of it shortly coming to Washington, which New York merchants desired to anticipate by profitable purchases. Mr. Monroe said, if that was the fact, it ought not to be kept secret. But as Mr. Sturges insisted on the promise given, the postmaster said that he must consult the Postmaster-General; to whom accordingly they went together, his apartment being in the same building with the city post-office. The Postmaster-General, Return Jonathan Meigs, declining to accede to the proposed arrangement, unless the President authorized it, repaired at once, as the occasion was urgent, to the President's residence, then in Mr. Tayloe's house, and there stated the matter to Edward Coles, the President's secretary, by whom Governor Meigs was introduced to the President's study. On hearing what had passed between Mr. Sturges, Mr. Monroe, and Mr. Meigs, Mr. Madison was much more excited than usual with his calm temper, instantly declaring his determination to make the matter public. Perhaps, he said, it was a mere trick for speculation, and wholly untrue. But, whatever it was, it should be instantly made as public as possible. He ordered Mr. Coles, therefore, to hasten to the War-Office and there make known the circumstance just as told; to vouch for nothing but the fact that such a statement had been made, and let every one form his own opinion of it. On Mr. Coles' getting to the War-Office he found there, among several other persons to whom he

proclaimed the circumstance, an officer of the army, named Stone, who at once said that, if allowed by his superiors to go, he would immediately mount his horse, and publish the story all along the road, as far as he could ride. Permission being forthwith given, he set off and rode all the way to Fredericksburg, publishing the news wherever necessary. Meantime, Mr. Sturges, disappointed of the mail, despatched an express also on horseback; who, with Stone, reached Fredericksburg, fifty miles from Washington; but Stone publishing the news, so as to prevent all speculation; and an innkeeper there, named Faris, forwarded it to Richmond, so that the whole design of Eastern speculation was frustrated, except at Norfolk and some few other places on the coast. The British squadron off Amelia Island gave intelligence of peace at Savannah on the 11th of February, which got to Charleston by the 13th: so that, even if the New York operation had succeeded at some of the intermediate places, the Southern ports were all apprised of the truth before it left New York.

Not long after this occurrence at the post-office, which prepared the President's mind, still however incredulous, for the news, Mr. Carroll, on the same day, arrived with it at the Department of State. That evening the President and his constitutional counsellors read the treaty, and he signed it late at night, after the conference, of which Mr. Gales, who was present on that occasion, has published some remarkable disclosures in the *National Intelligencer* of the 25th of August, 1849. When I inserted from that journal the paragraph announcing the treaty, at page 312 of the second volume of this *Historical Sketch*, I was not aware that Mr. Dallas wrote it, by request of Mr. Madison, in council — indicating how sometimes anonymous newspaper publications proceed from high sources. Napoleon's pen in the *Moniteur*, some British minister's in the London papers, and still more frequently American similar contributions, mark an era when the pen does more than the sword, and the press gives destiny to nations.

The day of these memorable events was one of those February conclusions of winter, when the ground covered with ice made walking extremely difficult and dangerous. Still, every

body was abroad; the solitary and dismal metropolis was full of bustle and animation; the post-office of Congress was thronged with members impatient for letters, newspapers, and news; and, in spite of the weather, the day was devoted to rejoicing.

On the evening of its reception at the President's, the treaty, rapidly read, was hastily signed: after, by his signature, fixing it as of that date, the President stipulated that the paper he signed should be exchanged for a fairer copy next day; which was then, on the 15th of February, submitted to the Senate, while engaged on resolutions, unanimously passed, thanking Jackson, Patterson, and Carmick, — the army, navy, marines, volunteers, militia, and people of Louisiana and New Orleans; which resolutions that same day came to us in the House of Representatives. Rufus King expressing a desire to see the President's instructions, after adopting a resolution for their production, the Senate, without further action on the treaty, adjourned that day. Next day, 16th of February, it was unanimously confirmed by the journalized votes of thirty-five Senators, the whole body, except one absent. On the 15th, the House of Representatives sat but a couple of hours, much moved with patriotic pride, party exultation and disappointment. On the 16th of February, Mr. Troup, Chairman of the Military Committee, and Thomas Bolling Robertson, the member from Louisiana, addressed the House in strains of congratulation, as the Senate was addressed by Elijus Fromentin, one of the Senators from Louisiana. Mr. Fromentin was a native of Paris, a Frenchman, educated for the church, who spoke broken English. Mr. Robertson was a Virginian, descended from Pocahontas, with the straight, dark hair of an Indian.

But a fortnight of the third and last session of the thirteenth Congress then remained. Twice convened by special call of the Executive, when we came together in September, 1814, the aspect of Washington was as gloomy as it was gay when we separated in March, 1815. The seat of government was a mass of ruins. The President, during much of the winter, had his face muffled in a handkerchief for some disease of the

jaw. The Secretary of State, acting-Secretary of War, was prostrated by severe illness, and the Attorney-General too, brought on probably by excitement, malaria, fatigue, and mortification. The capture of Washington discredited the chief magistrate to the lowest point of abuse, as irresolute, incapable, totally unfit for his station. The Hartford Convention was in portentous progress. That New Orleans was inevitably lost was a common cry. A letter from a member of Congress was published in a New York newspaper, stating that while that member was dining with the President he was called out of the room to be informed of the capture of that city, and when taxed with it, denied the fact, with atrocious falsification. The Federal Republican newspaper, edited, in the District of Columbia, by one member of Congress, and no doubt filled with contributions by other members, on the 5th of December, 1814, hailed the expected close of the Congress of Vienna as ending in "a merry Christmas to the allied powers and the little island that has helped them to their long-lost liberties. New Orleans will be taken, Louisiana wrested from us, and the war-States of the West bleed at every pore. Before the next 4th of July, New England will be enjoying all the advantages of a separate peace, the Western and Southern States left alone to fight the British, Spaniards, Indians, and Blacks, on the Western frontier. The poor Creeks and Canadians will yet see a just Providence avenging all their wrongs and cruel sufferings." On the 17th of January, 1815, it predicted that Madison would abandon Louisiana, and that the fall of New Orleans would fix the blame on the Executive. On the 20th of that month it stated that "a few African and West India regiments, accustomed to such a climate, would be sufficient to garrison New Orleans, while the Wellington troops would return to the Chesapeake, and those in Canada, like another horde, rush into New York, and overwhelm the North-west." Even after the stunning blow to such assailants, the very day we had the first credible rumors of peace, on the 13th of February, 1815, that journal published that "fifty such battles as General Jackson fought would have no other effect than to raise the reputation of our arms, not to wipe out the stain of dishonorable peace, which, come when it may, will be disgraceful to Mr. Madison."

The session of Congress from September to the 3d of February was extremely unpromising. The taxes were doubled indeed; but a direct tax falling heavily on the staples of the South, where the war had its principal supporters, gave them no pleasure. The banks had failed; classification was not allowed to be even considered. Several of the war-party shrunk from the strong measures it required. There was no circulation but discredited bank-paper. Opposition recovered from the first shock of the Ghent despatches, and the war-majority sunk once more into that torpid fear of their sovereign masters, which from first to last was the paralyzing republican infirmity. All at once came victory, when hardly hoped, fifteen hundred miles from our sloth, to electrify Congress. The scene changed, like a beautiful vision, with dramatic suddenness. The British were totally and wonderfully defeated, by militia and half-armed, undisciplined volunteers. Before there was time to thank them, or commemorate their exploits, peace followed over the ocean, and there was nothing more to fear or to do. Republican government and the democratic administration were not even put to their greatest trial; but marched off the field with drums beating, colors flying, cannon firing, serenades, and illuminations—all the honors of war and all the advantages of peace, without having undergone the severest sufferings of the crisis: much more frightened than hurt. Whether the people's representatives in Congress assembled would ever, if put to the utmost need, have proved equal to the spirit of the people, is a problem which men will resolve according to their various prepossessions. Madison contemplated three methods of dealing with Congress. Either, first, by a special message, to lay bare the exigencies of the country, without any reserve, as Dallas had the condition of the finances, and, rebuking the inaction of Congress, call on them for what war-plan they might prefer for raising adequate armies and pecuniary means: telling them that the Executive was not tenacious of its own projects, but would cordially carry out whatever plan Congress might enact. Or, secondly, suffering the thirteenth Congress to expire on the 4th of March, in discredit, to issue, on the very day of their

dissolution, his proclamation, calling the fourteenth Congress to meet as soon as possible, and endeavor to stimulate them to better conduct than that of their predecessors of the thirteenth and twelfth Congresses. Or, thirdly, try to prevail on the Congress in session to adopt the Executive recommendations during the last fortnight, always the operative period of every session; which Madison still hoped to render productive of efficient acts. Fortunately, none of these resorts became necessary.

On the 18th of February, 1815, President Madison, by special message to both houses of Congress, laid the ratified treaty of peace with Great Britain, through them, before the American people, and congratulated them on an event highly honorable to the nation, terminating with peculiar felicity a campaign signalized by the most brilliant successes. Peace, at all times a blessing, is peculiarly welcome, said the message, when the causes for war have ceased, government has demonstrated the efficiency of its powers of defence, and the nation can review its conduct without regret or reproach. The gallant men whose achievements in every department of military service, on land and water, contributed to the honor of the American name and restoration of peace, he recommended to the care and beneficence of Congress, whose wisdom would provide for maintaining an adequate regular force, the gradual advance of the naval establishment, adding discipline to the distinguished bravery of the militia, and cultivating the military art in its essential branches. Commerce and navigation were also recommended to the care of Congress, and manufactures sprung into existence during the war, as a source of national independence and wealth, entitled to their prompt and constant guardianship. He prayed Congress, about to be restored to their constituents, to bear with them his hope that the peace would be not only the foundation of the most friendly intercourse between the United States and Great Britain, but productive of happiness and harmony to every portion of our own country, grateful for the protection which Providence had never ceased to bestow, never ceasing to inculcate obedience to the laws and fidelity to the Union as the palla-

dium of the national independence and prosperity. On the day of the reception of that message, John Culpeper, a North Carolina member, moved, and, on the 21st of February, the House passed, a resolution for a joint committee of both houses to wait on the President, and request him to recommend a day of thanksgiving, to be observed by the people of the United States with religious solemnity, and the offering of devout acknowledgments to Almighty God for his great goodness, manifested in restoring to these United States the blessings of peace.

On the 25th of February, notwithstanding royal salutes for peace, the Montreal Gazette deplored its announcement. "Our error was, expeditions too small," it said, "under Generals Ross and Pakenham," that by Prevost not mentioned, "instead of armies on the coast in large bodies. We have failed, and had recourse to such a peace as could be made. When shall the measure of our humiliation be filled? It is full to the brim. The nation which struck all Europe with terror has succumbed to the pitiful Republic of America, a people yet in the cradle." On the 28th of February, Major-General Stovin, commanding on the Niagara frontier, communicated to the American officer commanding at Buffalo that he had ordered a cessation of hostilities, and congratulated him on the event of peace. "With peace," said the Williamsville Gazette, "this region will revive, and the pleasant *village* of Buffalo must invite capitalists for its embellishment." On the first of March, Adjutant-General Baynes, by general order, dismissed the Canadian troops; and, on the 9th of that month, the Governor-General Prevost proclaimed at the Castle of Quebec the ratified treaty. On the 6th of March, Admiral Cockburn despatched the schooner Alligator to General Pinckney, acknowledging his announcement of the treaty ratified by our government, with the Admiral's assurance that he had given immediate orders to put a stop to hostilities. On the 12th of that month, he left Cumberland island and the American waters, to be employed, in the following August, to superintend the conquered French Emperor's conveyance, in the ship Northumberland, to St. Helena. About the time of his

departure from the Southern coast, Admiral Hotham, with his squadron, retired from that of New England: since when, after ten preceding years of incessant insulting hostilities, in peace and in war, in the waters and upon the shores and ports of the United States, taught respect by that war, scarcely an offensive act of British marine annoyance has been suffered in America. Hotham was the admiral under whose superintendence Napoleon surrendered to Captain Maitland, on board the *Bellerophon*.

Our country was all blazing with demonstrations of joy for Jackson's victories, when peace broke upon us, to crown national exultation with immense delight. When I left Washington for Philadelphia, the 28th of February, 1815, I found the highways and towns sparkling with bonfires and illuminations, and every face radiant with smiles of victory — as, when I passed over the same way to Congress, in May, 1813, all was drilling, marching, British buccaneering, and hostility. European applause and English lamentation much contributed to our enjoyment. "The spirit," said a London journal, "is no more, which inspired Elizabeth, Oliver, and William. England wants better negotiators or more gunpowder, has lost all idea of national honor and dignity, and suffers an insignificant State to insult and defy that which styles itself mistress of the seas." In another chapter, some of the flagellations of the press laid on the backs of the emissaries of the Hartford Convention are mentioned as those unlucky disorganizers slunk home. The Boston press was happy in its witty contrasts between Massachusetts and Louisiana. The administration had been, not unjustly, charged with neglecting to supply Jackson with arms, particularly flints. Having destroyed so many without them, said one journal, how much more complete will be the next victory! and the same press, with a sarcasm earned by the East, advertised for a thousand Kentuckians, without flints, arms, or ammunition, to retake Castine for Massachusetts.

Seldom has the justification of success been more signalized than by Madison's restoration from extreme disparagement to the highest approbation. Mr. Madison's drawing-rooms were

held on Wednesday evening. On that of Wednesday, the 22d of February, Washington's birth-day, the rooms were crowded with ladies and gentlemen, to congratulate the triumphant President and his wife: to rejoice with them on the glorious conclusion of a war, in which he embarked with reluctance, but maintained, in spite of distressing reverses and indignities, with constant fortitude. Excellent in the delicate and difficult proprieties of plain and simple, familiar hospitality to the mixed company of a republican attendance of both sexes, without ushers, chamberlains, established forms or ceremonies, crowding round a personage, sometimes called a monarch in disguise, and who has much of the power, with none of the pomp, of royalty — Mrs. Madison, that grateful evening, performed her conspicuous part with indefatigable courtesy and to universal satisfaction. Madison's wrinkled and withered face wore a placid smile, as he received the compliments of political adversaries and the homage of adherents. None but the bitterest antagonists stayed away from such a jubilee. Nearly all the eminent members of Congress, the Supreme Court and distinguished lawyers attending it, — all gay, some merry, more than one excited, even to convivial vivacity, pressed round the chief magistrate, whom, with few personal advantages, a political opponent, Chief Justice Marshal, characterized as a model for American statesmen. It was one of those moments when joy or grief, and even bodily illness, hush the bad passions of human nature. All could generously applaud a man of peace, constrained to go to war, and make the first essay of its terrible trial on the pacific government of which he was the chief architect.

The resolutions of thanks for the New Orleans victories led to one of those controversies between the two houses, which are indicative of the peculiarity of American national situation and opinions concerning the military power of the country. The chairman of our military committee, Mr. Troup, objected to them, as tending to mislead posterity and strangers in the most important feature of those brilliant exploits, that not regular soldiers, but militia, constituted the principal force, and chiefly contributed to the brilliancy of the triumph. The

House would not concur in the Senate resolutions, as reported there by William B. Giles, chairman of the Military Committee. A conference ensued; and it was not till the 25th of February, nearly a fortnight after the resolutions passed the Senate, that they adopted the House amendment, adding to the Senate resolution, that the greater proportion of the troops consisted of militia and volunteers, suddenly collected together. Without that amendment, the resolution could not have been carried, the popular branch of the Legislature insisting that it would be preferable to forego the resolution altogether, than to misinform history; that the people in arms were the real victors, not mere soldiers. In the debate, Macon mentioned to the House his personal knowledge of General Jackson; then so little known, that Macon's assurance that Jackson was a high-minded and honorable man was heard, with surprise, of a personage then as middle-aged as Cæsar, when his warrior-renown began, and, from two battles, become great.

More serious difficulty, of similar character, occurred between the two houses, fixing the military peace-establishment. On the 22d of February, Mr. Troup, from the Military Committee, reported to the House a bill for not exceeding 10,000 men, in such proportions of infantry, artillery, and riflemen, without cavalry, as the President should think proper; retaining the corps of engineers, two major-generals, and four brigadiers; the President to select from the existing officers, and discharge supernumeraries, with three months' extra pay, and considerable allowances of land to every officer and private, either retained or discharged; which was read twice, as usual, and referred to the committee of the whole. On the 25th, the House took it up in that committee, Macon in the chair, when General Desha moved to reduce the army from ten to six thousand men; on which motion an animated and protracted debate, till late that night, and through several days after, ensued, branching off into the merits of the treaty and the war (which I shall not notice here), and the expediency of a standing army for the United States; a perplexing subject, of which a digest of the discussion is both pertinent and important. Executive confidential recommendation, partly read

to the House, called for a military peace-establishment of 20,000 men ; the House military committee proposed 10,000 ; the Senate, inclining to 20,000, for some time adhered to 15,000 ; and it was not till near the last hour of the last night of that session that, after various meetings of committees of conference of the two houses, they finally compromised on the bill, which became a law, for not more than 10,000 men.

Mr. Troup said the military system had just been perfected, when it became necessary to reduce one of the finest armies in the world, from a cause of universal congratulation. In doing so, we had to consider the security and interest of the country, and justice to the army. The army might be reduced by retaining skeletons of all the regiments, by reducing their numbers, or by consolidating the whole ; which latter method was that of the bill. Ten thousand men, at \$200 a year for each man, which was the peace-estimate, as \$300 was for war, would cost \$2,666,764 per annum. Mr. Calhoun and others, having called for official information, Mr. Troup afterwards read part of a letter from the War Department, which, he said, any member might examine, but which it would be improper to make public, distinctly and earnestly calling for 20,000 men as the peace-establishment. Mr. Desha said that 3000 would be enough for garrisons, and 3000 more for all other purposes in peace. The yeomanry are the country's best reliance, as they have proved. Taxes should not be riveted on them, to keep up a standing army in peace. Western riflemen are the best force to keep the Indians in order. Mr. Wright objected to less than 10,000 men, till the treaty was executed, especially while the congress of European sovereigns was still in session, with unknown designs. Mr. Sharp said that old officers had not proved as useful as those appointed after war began, and that the most important element of military preparation was scientific improvement. For peace, 5000 were enough ; for war, 10,000 were too few. Elisha R. Potter insisted that 2000 were enough, and he wished the army reduced to that number. Mr. Pickering objected to leaving any discretion with the President as to the time of reduction, which, Mr. Lowndes insisted, was indispensable.

Mr. Barbour said that, from 1783 to 1794, the British, contrary to the Treaty of Independence, held possession of our frontier posts, and we should not be hasty in stripping ourselves, of means of enforcing the present treaty. Mr. Pickering said they held one of our posts because we did not comply with one of the terms of the treaty, for payment of debts, to which, in some States, difficulties were made. Mr. Eppes was opposed to leaving discretion to reduce with the Executive, because we know what the Executive opinion is. Estimating the receipts for 1815 at \$18,000,000, and the expenditures, exclusive of army and navy, at near \$17,000,000, the whole expense of army and navy must be borrowed. The cost of the army and fortifications would be more than \$6,000,000, at \$300 a man, which, he said, was the peace cost; and the three months' pay to the disbanded, \$2,000,000 more; he was, therefore, for 6000 men. John G. Jackson said there were unadjusted territorial and commercial questions pending between the United States and Great Britain. Still, he had no idea of an armed neutrality. Europe cannot bridge the Atlantic, and if we keep up an army as long as, or because they do, it will be perpetual. General Hopkins, of Kentucky, made a striking speech against hasty reduction, or any army less than 10,000 strong. There is no magic, said he, in the word peace, with the enemy all around us. In 1783, when that word was spoken, it cost rivers of blood and treasure to drive from our frontiers the Indians suborned and fed by British posts, within our borders, contrary to treaty. The British now hold Fort Erie, the American Gibraltar, Michillimacinae, the key of the lakes, and the Penobscot. The Creek Indians, and their Spanish instigators, at Havana and Vera Cruz, are they, too, to be confided in? What are 10,000 men, to cover the vast belt of our surroundings, by sea and land? General Desha contends that western riflemen will overcome the Indians; but at what enormous cost of blood and suffering first, he did not say. New Orleans, alone, would require one-sixth of the 6000 men. The people would much rather pay for an army to protect them, than be perpetually called from their fields and firesides by harassing warfare. A standing

army of 10,000 men—a force, in his opinion, much too small—would be much less apt to degenerate into that kind of standing army, which is dangerous to liberty, than the militia, organized as it should be, to be available, into a vast military host, infinitely more dangerous than any moderate-sized standing army to government. John Forsyth, chairman of the committee on foreign affairs, strongly condemned the inconsiderate haste which would cut down an army from forty or fifty to six thousand men, without allowing the Executive any discretion as to the time or mode, in defiance of the President's prudent, yet significant intimation, and the Secretary of War's explicit call for 20,000. What is the condition of Europe? Are not our affairs with Spain wholly unsettled? The treaty with England stipulates no more than suspension of hostilities, without providing against repetition of any of the causes of the late war, which nothing but her wounded pride will restrain, and that may as well provoke her to renew. Mortification for the failure of New Orleans is no peace probability. It may change the ministry, and renew the war. Mr. Sheffey warmly opposed Mr. Forsyth's argument, particularly that which would induce the House to take its lessons from the President. To that federal doctrine of a former day, James Fisk tartly replied by reference to the federal votes, in Jefferson's administration, for increasing the army, and plunging us into war, when England first began to molest our commerce. Mr. Calhoun advocated 10,000, and Mr. Charles Goldsborough 6000. Though the Atlantic cannot be bridged, said Mr. Calhoun, yet European powers have large possessions, in which they keep numerous forces, in our immediate neighborhood. The loss of Detroit, at the commencement of the war, had entailed more expense than half the war cost; a loss attributable to the want of adequate preparation for war. Mr. Goldsborough contended that no one could seriously apprehend war from Spain. In 1805, when our difficulties with England began, our army was but 3000; and it was not till this unlucky war that it was increased to 10,000. What reason, now, is there to prepare for war? Mr. Pickering, in a long and instructive speech, explained the difficulties between the United

States and Great Britain, from 1783 to 1794, not settled, in fact, till 1800, when she withheld posts, and we debts, contrary to treaty, impediments to justice removed together. But now, when the President informs us that we have no enemy, an army is to be kept up to contend with Great Britain. If there is peace in fact, why renew the irritation by words, fears, and threats? Suspicions might tend to hostilities. Peace was ascribable to the opposition, and manufacturing interests, in England, and their conviction that their interest is peace with us. Her merchants found Europe shut to their trade and manufactures, and sought vents for them here. Her defeat at New Orleans will deter Great Britain, and much more so feeble a power as Spain, from again molesting us. Spain, weak everywhere, is most so in her provinces bordering on us. Six thousand men are all we want for defence and security. Except New York, no place requires more than 200. Colonel Pickering said he knew he should be called a British advocate, but his whole life, particularly revolutionary services, attested that his predilections were always American. Mr. Grosvenor and Mr. Gholson opposed hasty action, by reduction below 10,000 men at once. The expense of an additional 4,000 men for a short time was trifling, compared to what it would be to replace them, if hastily disbanded, merely because peace was signed, but while the enemy retained our forts and from 20 to 30,000 troops in Canada. General Desha's motion was carried in committee of the whole by a majority of 19 votes. When the debate was renewed in the House, he said, those who thought most and spoke least were convinced that his amendment was right. But there were advocates of permanent taxation to be riveted on the people by means of a standing army. He replied to Mr. Hopkins, Mr. Forsyth, and Mr. Troup. Mr. Rhea was for 10,000. Militia often do well, he said; but there was a large part of our territory then occupied by the enemy, from which militia had not even attempted to expel them. He was gratified with Mr. Grosvenor's disposition to take Executive recommendation, and warned his party that, if any thing to complain of should result, the democratic majority and administration would be responsible. Mr. Alfred Cuthbert denied

that militia are to be relied on for garrison-duty, to which they are averse; and deprecated the effect of precipitation as encouraging England and dispiriting our own people. The republican party disapproved of armies and taxes: but 10,000 men he accounted neither dangerous nor burdensome. Mr. Stuart said it was much easier to disband than raise troops: and, while we have some of the best in the world, if we want to avoid hostility, 10,000 are not too many. Mr. Potter thought we had better be at war than support large armies to beggar us in peace. Estimates of the cost were much too low. They should be doubled. All our internal resources had not yielded as much as the 10,000 men would cost in one year. Mr. Calhoun insisted that reducing the army to one-sixth of the war-establishment, from 60 to 10,000, was enough. He contradicted the suggestions of Mr. Grosvenor and other Federalists, that the treaty had gained nothing, and that the peace was not acceptable either in this country or England, on which branch of the subject long and ardent controversy ensued, which for the present is pretermitted. Mr. Jackson charged Mr. Stockton with throwing this firebrand of discord into the question. Mr. Forsyth, in one of his impassioned strains, denounced the ambition of Great Britain as an adder, always coiled, with fiery eye eternally fixed on its object. Her Secretary of Legation at Ghent, he said—retorting a remark of Mr. Stockton—to treat of peace during the immense expedition to the Mississippi, and the bearer of the treaty of peace, Mr. Baker, had smuggled himself out of the United States, for fear of a criminal prosecution about to be instituted against him, when war began, for violation of the laws of the country by whose hospitality he was protected. Mr. Hanson fiercely repelled Mr. Forsyth's censure of those members who defied Executive recommendations. There were no Vansittarts, Cannings, or Castlereaghs, here, whose word was law. He feared no other war by this administration, which would be like a scalded cat jumping into a boiling cauldron. Cyrus King expected, he said, strong opposition to-day to the vote of the other day in committee of the whole. As he approached the hall this morning, he saw ominous birds of the palace cir-

cling about. The President would not willingly give up 60,000 bayonets. Be not deceived by bursts of joy for peace flowing from utter abhorrence of this disgraceful war, from which the people are glad to escape with their lives at any rate. But the badge of disgrace is on it, without one solid benefit. Ten thousand widows and orphans, its victims, imprecate curses on Madison for it. Cry glory over thirty thousand slain, will it revive them, or clothe their beggared families? Cry glory to your ruined creditors, will it stop their mouths? Is there glory in the ruins of yonder Capitol? — in the wreck of your Treasury? Are the laurels of your heroes a mantle of charity to cover the sins of your miserable administration? shouted Mr. King, in his stentorian voice, at victory and peace clothing government in the purple of success and glory. At last, when less of the session remained than was indispensable for the business to be transacted, and the subject, instead of being, as at first, a pertinent discussion of what number the army should consist, degraded into party-recriminations on the war and the treaty, the House became impatient of further dispute, the question was loudly called for from all parties, and, by 75 ayes to 65 nays, Desha's reduction from 10 to 6,000 was carried. The committee had reported considerable donations of land for disbanded officers, which were also rejected by a majority of one vote, 57 to 56, and the bill, thus changed from what it was reported, sent to the Senate. On the 2d of March, it returned to the House with the Senate's amendments, inserting 15,000 men, which got but 18 votes to 100 against it, the House again rejecting the land-donation and all the other Senate-amendments. Committees of conference were then appointed, who finally agreed upon 10,000 men, without the land-grants, in which state the bill passed the Senate, 15 to 8, and the House, 70 to 38, for 10,000 men, and 57 to 55, against the land-grants, in the last hour of the last night of the session. On these divisions, John Wilson, who represented that part of Maine then held by the enemy, voted every time against the largest force. Had he a right to vote at all? not representing an American, but British, constituency?

The foundations of a naval establishment were laid as plan-

tation and democratic aversion gave way. James Pleasants, from the Naval Committee of the House of Representatives, on the motion of Adam Seybert, both respectable converts to the naval policy, reported an appropriation of \$400,000, to purchase Macdonough's prizes on Lake Champlain, and distribute the amount among the captors. While the foundations of naval power were laid, intelligent nautical men suggested marine militia as a feasible improvement, conforming to republican government. The exploits of privateers, extensive commercial navigation, proposed convertibility, by both Great Britain and the United States, of private steamers to war-purposes in the time of need, countenance that suggestion.

During the war of 1812, Robert Fulton was often at Washington concerning torpedoes and steamboats. On the 3d of March, 1813, Congress enacted bounties for hostile destruction by submarine explosion. In the debate on Lord Darnley's motion concerning the American navy (vol. i. of this Sketch, p. 365), Lord Grey stated that he had negotiated a compromise of Fulton's contract with the Admiralty: convinced that the invention was useless; "but such," his lordship added, "was my dislike to that mode of warfare, that I passed many uneasy nights for fear of its practicability." Disappointed in England, Fulton tried France, with no better success, and then his own country. In 1813, an attempt was made to blow up the Plantagenet ship of the line, lying off Cape Henry lighthouse, and the Ramilies, off New London; but neither with success. John Scudder, junior, of Ohio, who proclaimed himself the author of the latter, pleaded that it was retaliation for blowing up General Pike at York, and for the British enormities at the Raisin. Eastern discontent decried such dreadful experiments. "If," cried a Boston press, "these shocking artifices are persisted in, not only will they be retorted on our vessels, but on our towns, so far respected. We have been spared war's most sanguinary excesses—shall we provoke its dogs to be let loose in havoc and confusion?"

Oliver Evans, patentee of machinery to improve flour, then the greatest American staple, was also frequently at the seat

of government, in 1813-'14, soliciting Congress. A plain old Delaware millwright, without Fulton's polished deportment and attractive manners, Evans had even more faith in the miracles of steam. I have heard him often, at that time, confidently predict not only its application to land-carriages, but their speed three times that of steamboats, which Fulton then had made to go six miles an hour. There was then a short tram-road in England, of a few miles, from London to Croydon, for horse-power; and it was projected to make one to Manchester. In France, Scotland, and America, Fulton had been anticipated. But his steamboats on the Hudson and the Ohio were the first to achieve practical success. Before there was a locomotive on a railway in the world, Evans, in 1813, published in American newspapers that carriages might and would be moved from Philadelphia to New York by land, by steam, with velocity, certainty, and safety, above all labor-saving, transcending animal force and human power.

Eli Whitney was, at that time, another public benefactor, dependent on the negligence and caprice of Congress for protection of his cotton-gin, an invention, like steam, of inestimable political and national importance: the basis of American wealth, independence, union, power, and peace. His patent-right violated with ruinous impunity by *lubberly* law, as Jefferson termed it in a letter to Oliver Evans, and appealing in vain to Congress for relief, Whitney turned his versatile genius to the fabrication of arms, and founded the establishment at Springfield, in Massachusetts, which has ever since furnished the principal supplies of the United States.

In 1814, General Jackson impressed a steamboat for the conveyance of supplies to New Orleans. Congress, prodigal of military bounties and pensions, sometimes almost profligate of gratuities to themselves, could not be prevailed on till 1846, after long, precarious, and expensive entreaty by Fulton's daughters, to make stinted and inadequate compensation for that seizure of their illustrious father's property. Half a million was voted almost unanimously to La Fayette for certainly important military services. But for genius, science, and in-

valuable pacific utility, indirect method had to be resorted to for grudging and niggard allowance.

In juxtaposition with that too common disregard of Congress for meritorious public improvements, may be mentioned a most unworthy attempt, that session, by some of the members, to benefit themselves. Dilapidation of the currency was so extreme, that the losses on bank-notes, the only medium for paying members, were large at the seat of government, and increased by additional depreciation as they travelled homewards from State to State. To obviate that inconvenience, a New York member, Zebulon Shiperd, moved, on the 7th of February, 1815, a resolution to inquire into the expediency of making a reasonable compensation to members of Congress for their travel to and from and their attendance during the session. To consider that scandalous proposition to separate from the common pecuniary annoyances those whose duty it was to remove them by law, only eight votes were cast. On the 23d of February, James Fisk renewed the attempt, though not quite so censurably, to pay members in money current in the States in which they respectively belonged. On Joseph Hawkins's motion, that modification of an unbecoming effort was indefinitely postponed. The twenty-five millions of Treasury-notes and eighteen millions loan authorized by Acts of that session, were all received and paid in depreciated bank-notes. The war did not contaminate morals, tax the people, or drain their resources, more than that degraded currency.

During the night of the last day of the session, a Senate-bill passed the House much contested; which Vermont Fisk ardently urged, supported by Eppes, Alston, and others, warmly opposed by William Reed, Stockton, and Sheffey. It provided against violations of the collection-laws, for and during twelve months after peace, by searches and seizures on suspicion, beyond as well as within the district of any collector; empowering collectors to call on the marshals and posse comitatus for aid to enforce the law, and, if sued in the State courts, which was a very vexatious hindrance, to remove the suit to the court of the United States. A similar act, reported by Mr. Eppes, of a more important and permanent

kind, at the same time, passed without discussion or division ; such are oftentimes the vagaries, chances, and uncertainties of law-making, upon the meaning of which so much forensic acumen and judicial interpretation are expended. That act gave county-courts of the States within or next adjoining any tax-collection district jurisdiction of complaints, suits, and prosecutions for taxes, duties, fines, penalties, and forfeitures arising under acts of Congress ; authorizing the District-Attorney of the United States to appoint deputies for all such county-courts, without regard to the sum in controversy ; such jurisdiction to be concurrent with that of the United States District-Courts. No such suits or prosecutions, the law provides, in behalf the United States, in any State-court, should be delayed, barred, suspended, or defeated by any State-law ; and all final judgments are examinable in the Circuit-Courts of the United States, according to the act of September, 1789. State and county courts are empowered to exercise all the powers conferred on Judges of the United States District-Courts for mitigating or remitting forfeitures, and District-Courts of the United States are invested with jurisdiction, concurrent with State-courts and magistrates, of all suits at common law, where the United States sue, though the matter in dispute does not amount to \$100. On this and similar acts of Congress various conflicting decisions have been pronounced, at different times, by the courts, State and federal. Whether Congress are empowered by their legislation to require State-courts to enforce federal laws remains among the unsettled questions of the occasionally jarring jurisdiction of our mixed jurisprudence.

The daily pay of members of Congress is a premium for procrastination. Time wasted in languid, listless, idle weeks at the beginning of a session is to be atoned for by hurried and excited transaction in a few days towards the end, by paroxysm of legislation like death-bed repentance. Two hours a day are about the daily average, which, if four hours, would not leave a pile of unfinished business, crowds of distressed petitioners, and a disappointed community. Of about one hundred bills and resolutions of that session more than thirty received the President's signature the last night — some of

them very late. I believe, however, that the British Parliament, in like manner, heaps many enactments into the last few days of a session.

Near midnight, the 3d of March, 1815, three days after I left Washington, the thirteenth Congress closed their third and last session. Peace had softened party-asperities and removed party-divisions. A bill from the Senate to pay the Massachusetts militia momentarily revived them: but, on Forsyth's motion, the angry subject was referred to the Secretary of War for examination; and, memorable retribution! though that claim has been, I believe, almost annually repeated since, it has never been allowed: for the Supreme Court of the United States unanimously adjudged that the positions of that State-government respecting militia were unconstitutional.

Congress were resolved into a peaceable, gratified, and contented nation. In spite of the strenuous opposition of one-third, two-thirds carried war, through all its perils, trials, and vicissitudes, to acceptable peace. The most formidable empire in the world unexpectedly descended from haughty to moderate terms; where opposition too had its effect; and general European jealousy of British sea-sway contributed to American success. Still, democratic hostilities triumphed. War and peace, extravagant opposition to war, and victorious acquisition of peace, demoralized one party and elevated the other. Mutation of men in public place, then less excessive than since, prevented reappearance of most of the members of that Congress in another. But from that era the national advance of republican government has been onward, like a victorious army over heaps of slain. Democrats disappear, while democracy moves on. Licentious press, insubordinate population, despotism of party, the evil tendencies of republican self-government — all this is palpable. Perhaps reactions may ensue. But in the occult and perverse science of government, if all good is but relative, a sovereign people are more rational, tractable, and dispassionate, than individual sovereigns, whether regal or aristocratic; less accidental than the happy accident which a monarch may be.

Seldom denied in England since that war, universally de-

clared throughout the rest of Europe, and nearly unanimously acknowledged in the United States, that struggle developed and enhanced not only the military power of the country, but its general welfare in every way. To be just, war must be indispensable. Causeless wars, made by ambitious monarchs, ministers, or mistresses, should not be confounded with those deliberately and reluctantly undertaken by a people. Less than fifteen hundred Americans slain during that war were not too dearly sacrificed to the vindication of a nation from foreign wrong by a hostile nation, which confessed more than that number of Americans impressed; whose war-charges were less than prior losses by British marine-depredations; less also than the cost of a restrictive system, by which it was attempted to avoid war.

CHAPTER VIII.

WAR WITH THE BARBARY POWERS.

Algiers — Barlow's Treaty — Tribute — Frigate *George Washington* sent to Constantinople — Lear, the Consul, sent away — Consuls Noah and Jones — Prizes of the *Abellino* at Algiers — President's Message — War declared — Decatur's Squadron — Treaties of Peace, renouncing Tribute, dictated to Algiers, Tunis, and Tripoli — Consul Jones's Journal — Bainbridge's Squadron.

A DECLARATION of war, recommended by President Madison, was one of the last acts of the thirteenth Congress; for which a bill passed both houses, and was approved by him in the last hour of that session, on the 3d of March, 1815. Hostilities, and triumphs, which distinguished the American flag in the Mediterranean betokened lingering recollections of the contest just closed with England; and proud feelings, less of resentment than power, by corollary to the great naval problem, solved in spite of Great Britain, to display American independence of all maritime dominion.

Algiers, the principal of several of those regencies, for centuries established and triumphing, if not flourishing, in ancient Mauritania, or Numidia, on the northern coasts of Africa, stretching towards Gibraltar and Morocco on the Atlantic, Alexandria in Egypt, Cairo and Suez at the Red Sea, and in the interior of Africa to the great desert of Sahara, was a military democracy, by rude despotic institutions, resembling American government, as extremes meet. In perfect equality, and by universal suffrage, certain classes of a mongrel populace, Turkish, Moorish, and European, chose a chief magistrate, called the Dey, from the whole body of the inhabitants, Algerine suffragans, without even the prior condition of naturalization. Bearing arms seemed to be the chief, if not the

only, qualification for a voice in the election, by tumultuous inauguration, informally proclaimed, much as the succession of legitimate monarchs to inherited thrones is done. The Dey, thus chosen by all those bearing arms, was sworn into office, not by a priest, or religious rite, according to the ordinary coronation, but by the chief Cadi, or chief justice, just as the American President is ; and a Senate, called a Divan, were his appointed counsellors.

This military, despotic, and piratical democracy, to which, after the example of all the maritime nations of Europe, the American republic paid annual tribute, governed, attached to the considerable city of Algiers, a territory less extensive or populous, and much less powerful, than any one of several of the States of this Union. The Algerine army did not exceed 5000 undisciplined and ill-paid militia. The government had only one vessel of war, a half-armed frigate, not a third of the size or force of an American frigate. The rest of the Algerine navy was made up of private armed corsairs, in whose plunder the Dey shared, as the pay for their authority to depredate. Genoese, Venetians, Sicilians, Portuguese, Spaniards, Dutch, Danes, Swedes, and French, were subjected to the arbitrary captures of Algiers, Tripoli, and Tunis, the three neighboring regencies, confederated by no bond of union, but each State sending forth cruisers, as it were, to fish for supplies, whenever wanted. The Algerine public revenues, from taxation, did not exceed \$300,000 a-year. All the rest of the budget was provided by sea-plunder. Overthrow of such inveterate, contemptible, yet formidable freebooting, by easy and unresisted abatement of the nuisance, was reserved, after ages of its endurance, for the work of a trans-Atlantic navy. Soon after it crossed the Atlantic, penetrated the Mediterranean, and showed how easy it was to put down the piratical despotism, the English navy reduced the pirates, by still greater discomfitures, to well-nigh annihilation ; and then the French, with navy and army, followed, conquered the territory, colonized, and hold it as a school of tactics for young soldiers, and, perhaps, a highway to Egypt and British East India.

The Emperor Charles V., when Spain was the most warlike and powerful empire of Europe, with all the treasures of America at command, and Louis XIV., in all the pride of his French majesty, tried in vain to root out these nests of African pirates. By treaties, in 1662, Charles II. made peace with them for England, which lasted ever after, by some unpublished understanding, preserving English commerce from their depredations, while, acknowledging no law of nations, and subsisting by sea-pillage, those barbarians defied and plundered all other nations. During the negotiations for the Treaty of Amiens, in 1802, Joseph Bonaparte proposed a plan of concert, between France, England, Spain, and Holland, for the suppression of that system of rapine and piracy, whereby, to the disgrace of the great powers of Christendom, the smaller States were annoyed by the corsairs of Barbary, to which the British negotiator, Cornwallis, acceded; but his government rejected the suggestion. To Joseph's confidential letters to the First Consul, his brother's answer was, "Moderate your joy. Cornwallis is a man of feeling, and so are you; but the Sylla party never had any. You will not succeed, and Cornwallis will be censured. Here we all approve of your plan." By the Sylla party, Napoleon meant the English aristocracy. He and Joseph often designated the Roman patricians and plebeians as the parties of Sylla and Marius, by Roman illustration, much more usual in French than in English or American argument. At St. Helena, Napoleon told O'Meara, when speaking of Pellew's expedition to Algiers, "I proposed to your government to unite with me, either to destroy entirely those nests of pirates, or, at least, to destroy their ships and fortresses, and make them cultivate their country, and abandon piracy. But your ministers would not consent to it, owing to a mean jealousy of the Americans, with whom the barbarians were at war. I wanted to annihilate them, though it did not concern me much, as they generally respected my flag, and carried on a large trade with Marseilles." In 1802, when that French suggestion was rejected by England, the first hostilities prevailed between the United States and those barbarians. If, as Napoleon averred,

the English ministry preserved the pirates from destruction, in order to take advantage of them against the Americans, seldom has selfish jealousy proved more short-sighted, for it was contests with those enemies which prepared the American navy for its triumphant resistance to that of Great Britain, some years after Preble and his pupils undoubtedly laid the foundation. Most of the officers distinguished in the war with England had been to school in that with Tripoli.

As American commerce spread throughout the Mediterranean, endangered by the Barbary powers, early attention of government to the subject, urged by the navigation interest, and by party opponents reproaching Washington's administration with neglect of it, was afforded by an ignominious treaty with Algiers, in 1795, stipulating payment of annual tribute; disadvantageous terms, but the best that could be obtained, says Washington's confidential historian, Chief Justice Marshall. Next year, under John Adams's administration, a still more discreditable treaty, with Tripoli, was effected by Joel Barlow, commissioned for that purpose by President Washington, the settlement with Tripoli being guarantied by the Dey of Algiers. The French Revolution was then consummate; by whose disrapture from old abuses many considerate men, English and American, as well as French, breaking loose from what they deemed priestcraft as odious as kingcraft, vibrated from servility to licentiousness, and substituted infidelity for Christianity. Accordingly, Joel Barlow, aggravating a grant of tribute by treaty, incorporated with it, by way of conciliating Moslem favor, that "the government of the United States is in no sense founded on the Christian religion;" terms, however true, liable to offensive misconception, but unanimously ratified, together with tribute, by the Senate, to whom President Adams submitted the treaty. A practical commentary on that offensive phrase was given by Monroe, Secretary of State's, letter, of the 25th of April, 1815 (the day Decatur's squadron sailed from New York, to punish the Algerine breach of faith), revoking the consular commission of Mordecai Manasses Noah; and ordering him to leave Algiers, because he was not of the Christian religion; it not

being known, as intimated by his official revocation, when he was appointed, that he was a Jew, which was deemed a disadvantage to his consular functions. In 1797, a third treaty was made, with the remaining regency, Tunis, also promising tribute, of which not less than 1,000,000 of 'dollars was paid before the pirates made war on the United States, on various frivolous pretexts, for plunder more lucrative than tribute. The three American treaties, in many of their stipulations, resemble the three English treaties of England, in 1662, with Algiers, Tunis, and Morocco, called Fez, except that none of the English treaties promises tribute, as all the American treaties do.

Among the strange impositions by these barbarians on maritime powers, the most capable of defying and suppressing them, was, their requiring British and other vessels of war to convey agents and contributions to Constantinople: the African regencies acknowledging the suzerainty of the Asiatic Sultan of Turkey. In 1800, the United States frigate *George Washington* being sent with the annual tribute to Algiers, the Dey insisted on Captain Bainbridge going with that vessel, his American officers and crew, and the American flag in a less conspicuous position than the *Algerine*, to carry the Dey's ambassador and presents to Constantinople, and then, furthermore, return on the business to Algiers. Captain Bainbridge objected, and the American consul, an Irishman, named O'Brien, remonstrated. But the Dey insisted. The British consul, Falcon, assured the Dey that Lord Keith, the British admiral, had promised to send a ship of war for the purpose, which might be daily expected. The Dey consented to wait a few days, to see if the British ship would arrive. But when she did arrive, a 24-gun sloop of war, sent from Mahon, by Admiral Keith's orders, to carry the *Algerine* ambassador and presents to the Sultan, the Dey and his ministers, besides several other persons of influence, made many objections to it, and the American consul was finally told that the Dey's mind and his ministers were soured against the English, and the American ship must carry the ambassador and presents, or the Dey would no longer hold to his friendship with the United States.

England, by refusing to put down these pirates, may have deemed them a check on all the feeble maritime states of the Mediterranean, and thereby useful to her monopoly of the ocean. Whether, as Napoleon stated, the British government countenanced them also as injurious to American commerce, it was Tobias Lear's official representation to the President, and laid by him before Congress, when, on the declaration of our war of 1812 against Great Britain, the Dey of Algiers sent away Mr. Lear from the consulate there, and threatened war against the United States, that "under present circumstances, it must be gratifying to the British, with whom there is every reason to believe the Dey has a treaty, offensive and defensive." We were thus made, in Congress, to believe that the Algerine hostilities were the direct offspring of ours with England. Mr. Noah, who went to Tunis as American consul in 1814, is of opinion that such was not the case. Mr. Richard Jones, who was a midshipman on board the *Philadelphia* when that frigate was stranded and captured at Tripoli in 1802, and imprisoned there, appointed consul to that regency in 1812, was captured on his way there, the first of November of that year, by the *Grampus*, British vessel of war, Captain Barrie, who informed Mr. Jones that Algiers had declared war against America. Mr. Jones's opinion is, from much experience in Tripoli, that the Barbarians of that coast were British instruments of hostility against the United States. On the 30th of November, 1814, a new British consul, Warrington, landed at Tripoli, with intelligence, according to Mr. Jones, that the English had taken Washington, and with 1500 men defeated 20,000 Americans. On the 5th of February, 1815, advices reached Tripoli that preliminaries of peace were signed at Ghent the 24th of December. On the 14th of February, 1815, the Bey's ministers told Mr. Jones, in answer to his official inquiry, that American prizes taken from the English and sent into Tripoli might be disposed of there. On the 9th of March, 1815, two prizes to the *Abellino* privateer of Boston arrived. The British flag having been hoisted on those vessels for their protection from British recapture or Tripolitan molestation as the prizes entered the port, and when they anchored

within it, the flags being struck by Mr. Jones's direction, the Bashaw immediately sent to him inquiring, for the British consul's information, why the British flag was struck. The British consul at the same time sent his drogoman, and took the two English captains from the prizes. Next day the *Abællino*, Captain Wyer, entered the port, followed by the British brig of war *Pauline*, Captain Mainwaring. Much controversy ensued between the American consul and the Bashaw, who refused to suffer the *Abællino*'s prizes to be either sold, or safely laid up till, as Mr. Jones proposed, the American and British governments should determine whether, as the American consul insisted, it was an American right, according to treaty with Tripoli, to dispose of them there, or, as the Bashaw affirmed, forbid by his treaty with England. On the 20th of March, 1815, British troops arrived from Malta, took forcible possession of the American prizes, and sailed with them from Tripoli. In Mr. Jones's journal many aggravations are noted of that retaking by English military force of American prizes in the harbor of Tripoli. Whether the wrong was done by arrangement with the Bashaw and his full concurrence may be made a question. The English marine was so powerful, that perhaps the Tripolitan government found it necessary to submit to its violation of territorial jurisdiction. But, in Mr. Jones's judgment, who instantly struck the American flag on the occasion, according to all appearances, there was not only an understanding, but, as the Bashaw pleaded, a treaty, between England and Tripoli, which required what was done.

On the 23d of February, 1815, a confidential message from the President called the attention of Congress to the long-forgotten letter of Consul-General Lear, of Algiers, laid before a prior Congress, the 17th of November, 1812, concerning the hostile proceedings of the Dey, and recommending an act of war between the United States and the Regency of Algiers, with provisions for its vigorous prosecution. Next day, the House of Representatives went into secret session accordingly, and John Forsyth, from the Committee on Foreign Relations, reported a bill, which William Gaston moved to recommit, for a detailed report of facts, and Bolling Hall moved to postpone

indefinitely. Hall's motion being negatived by a large majority, 108 to 21 votes, he then moved to amend Gaston's motion for recommitment to the Committee on Foreign Relations by reference to a Select Committee, which motion succeeded, and, thus amended, Gaston's motion was adopted by 79 votes to 42. The Special Committee was composed of Messrs. Gaston, Forsyth, Ward, Grosvenor, Seybert, M'Kim, and Newton. On the 28th of February, 1815, Mr. Gaston reported a bill, with a detail of circumstances. Charles Goldsborough moved to defer hostilities, if the Dey, on demand, delivered up the American captives he held, and returned to a state of peace with the United States; which was negatived by 92 votes to 47; and then the bill passed by 94 ayes to 32 nays—all parties mixed together on both sides. The Senate at once concurred, without amendment, and the bill was signed by the President the 3d of March, 1815, authorizing all such acts of precaution and hostility as the state of war will justify, including privateering, to subdue, seize, and make prize of all vessels, goods, and effects of the Dey of Algiers and his subjects.

Our war with Algiers enabled a government which, compared with others, is sparing of naval or military rewards, not only to display in Europe the triumphant navy of the United States, but elevate some of its officers who had been distinguished by valor and fortitude, either in victories or defeats—some in both. Decatur, just brought home from captivity, after his noble defence of the frigate *President*, who had served so heroic an apprenticeship at Tripoli, was selected to command the squadron for the Mediterranean, and ordered to hoist his broad pennant on board the frigate named after that which the English captured from the French, and the Americans from the English—the *Guerriere*. The *Epervier*, another capture by Americans from English, after being captured by English from French, was also of Decatur's squadron, together with his prize, the *Macedonian*. When instigating hostilities against the United States, "the whole American navy will be ours in six months," said the British consul to the Dey; "and now," said one of his officers to the consul, "they attack us with *two* of the prizes taken from you." The Algerine retort might

have said *three*: the *Guerriere*, Macedonian, and *Epervier*. If, as might and should have been done, frigates called the *Java*, the *Confiance*, and other *trophy* ships, had composed Decatur's squadron, every vessel under his command would have been distinguished by the British flag it bore being struck to an American victor: credential from the New to the Old World, borne by that gallant, handsome young seaman.

The Secretary of the Navy, Mr. Crowninshield, proposed to Congress to equip two seventy-fours, six frigates, three sloops of war, and six or eight smaller vessels for the expedition to the Mediterranean, in two squadrons. The first was collected at New York, whither the *Guerriere* proceeded from Philadelphia, the *Constellation* from Norfolk, and the *Ontario* from Baltimore. The Congress, Captain Morris, destined eventually for the Mediterranean, was equipped at Portsmouth, to take, in the first place, William Eustis as minister to Holland, and, as passenger, the Reverend Edward Everett, of the Boston Brattle-Street Church, since distinguished as a member of Congress and minister plenipotentiary of the United States in England, whose brother, Alexander Everett, afterwards minister to Spain and to China, was secretary of Dr. Eustis's legation. Mrs. Bonaparte, the American wife of the dethroned King of Westphalia, was also a passenger in the Congress.

On the 25th of April, 1815, Decatur's squadron put to sea from New York — three frigates, two sloops of war, and four smaller vessels; on the 17th of June, 1815, captured the Algerine frigate *Massouda*, after a short engagement, in the course of which the Algerine admiral, the famous Hammida, a Bedouin Arab of the Desert, who had become celebrated at sea, was cut in two by a chain-shot; and two days after, the squadron drove ashore and burned another Algerine cruiser. On the 28th of June, 1815, Decatur dictated, on board the *Guerriere*, an extremely humiliating peace to the Dey of Algiers, whose minister was compelled to sign it on board the American frigate, exactly as Decatur and Mr. Shaler, the new consul there, presented it to him, as they took it from Washington. Tribute renounced for ever, prisoners emancipated, compensation for whatever losses were stated, together with stipulations

for humanities of international law, were the terms of a treaty, which served as a model to similar conditions soon after submitted to, unresistingly, by Tunis and Tripoli, to which places Decatur quickly proceeded from Algiers.

Mr. Jones's journal for the month of July, 1815, states that, "13th July, one of the Bashaw's cruisers arrived spoke five days ago, off Cape Passero, nine Algerine vessels of war cruising for Americans." Decatur made much use of that circumstance in effecting the treaty. He told the Bashaw, daily expecting the return of his cruisers, that they would be captured by the Americans, if caught at any time before the treaty was signed. 26th of July, two vessels, under English colors, from Malta, gave information at Tripoli of the capture of an Algerine frigate by Commodore Decatur, and destruction of an Algerine brig. "August 6th, 1815," the journal is, "arrived, American squadron, three frigates, one sloop of war, and two schooners, under Commodore Decatur." On board his ship it was arranged with the consul to demand \$20,000 for the prizes which the Bashaw had permitted the English to take out of the port, and for the detention of the *Abællino* more than two months in Tripoli, after Mr. Jones demanded the detention of the English brig *Pauline* twenty-four hours, till the *Abællino* could in that time go to sea. On this demand by Decatur, the town was filled with more than 10,000 Arabs, for the defence of the place. A sheik or officer accompanied Mr. Jones on board the *Guerriere*, and entreated some abatement of the sum demanded, from which \$5000 were finally deducted, on condition that ten slaves, Danish, Neapolitan, and Calabrian, should be released, as they were, and sent on board the *Guerriere*. Next day, August 9th, 1815, the American flag was rehoisted at the American consulate, as the journal states, with all due honor and solemnity. The journal entry is: —

"Wednesday 9th. The band was sent on shore, men to sway up the topmast, and put the American arms up. At half past nine o'clock, A. M., the flag was hoisted, while the band played the President's march on the consular house, the consul in full uniform, and all under its protection being present, with a numerous concourse of Tripolitans, and saluted with thirty-one guns, which was returned from the commodore's ship. The number of

thirty-one guns was insisted on, because the same number had been once fired on the rehoisting of the French flag. At 11 o'clock, the commodore, with a number of his officers, came on shore, after receiving the visits of the consuls, waited on the Bashaw, with all officers he thought proper. The Bashaw then expressed his satisfaction at the adjustment of our differences, and his determination to live in peace with the United States, which the commodore assured his excellency was equally the wish of our government. On retiring from the castle, the commodore was saluted with nineteen guns from the castle, which was returned from the commodore's ship, being ten more than are generally fired on such an occasion, but as it had been given to the English ambassador two years ago, I required the same number, observing that we did not require any more than any other nation, but that no nation should be entitled to more respect than the United States and her representatives. The commodore and his officers dined in the American consulate, amid the acclamations of the Tripolitans, who were rejoiced at the peace, and with evening they went on board, and made sail for Sicily."

When Algiers made war on America (such was the common phrase), an English idea was inculcated at Algiers, that in six months the whole militant American marine would be destroyed. And the impression was also general that, by British interdiction, the Americans were prevented ever to send any ship of the line to sea. Soon after Decatur's easy subjugation of the three Barbary Regencies, Commodore Bainbridge succeeded him, in the first ship of the line ever manned by the United States, the *Independence*, attended by a second squadron. Peace with Algiers, Tunis, and Tripoli, had then been made on our own terms, dictated by Decatur, and submitted to by the Barbarians, whose dread of the Americans induced them to yield at once, without an effort at resistance.

Prodigious changes had taken place in marine dominion throughout Europe, America, and Africa, from American contests with the African Barbarians, about the time of the treaty of Amiens, in 1802, to that of Fontainebleau, in April, 1814, by which Napoleon was deposed. Soon after he stated, at St. Helena, that at the treaty of Amiens his plenipotentiary, Joseph Bonaparte, proposed to suppress the piratical regencies, he said to O'Meara, "the sea is yours; your seamen are as much superior to ours as the Dutch were once to yours. I think, however, that the Americans are better seamen than yours, because they are less numerous." O'Meara replied,

"The Americans have a considerable number of English seamen in their service, who pass for Americans, which is remarkable, as, independent of other circumstances, the American discipline on board of men of war is much more severe than ours. If the Americans had a large navy, they would find it impossible to have as many seamen in each ship as they have at present. On the remark that American naval discipline is severer than British, Napoleon smiled, and said it was very hard to believe." What would have been his incredulity, if, in 1802, told that in 1814, dethroned from the greatest empire in the world, his own, or rather a French treaty, concerning the place of his confinement on the coast of Italy, the treaty of Fontainebleau, would stipulate that all the powers, Russia, Prussia, Austria, England, "engage the employment of their good offices to make the Barbary powers respect the flag and territory of the island of Elba, and to cause its relations with the Barbary regencies to be assimilated to those of France"? The French dictator, who, as Emperor, in those prodigious ten years, subdued all Europe, except the British islands, Spanish provinces and people, in 1802 proposed to England to suppress the African pirates, in 1814 was constrained to ask for his own protection from them, just when a transatlantic marine, which he only then, when too late, began to appreciate, amazed Europe and intimidated the African regencies by triumphs over the British navy, become, since 1805, irresistible.

Buoyant with confidence and progression, boundless in resource, the United States began a new maritime and industrial career. Great Britain, still material, but no longer moral, mistress of the sea, with vast artificial means and immense national character, had closed her second attempt to subdue the United States of America, developing capacity inexhaustible for maritime, manufacturing, agricultural, commercial advancement, with the irrepressible energy of freemen. American fleet after fleet was despatched over the Atlantic into the Mediterranean, to subdue and humble African pirates, tolerated, if not encouraged, by Europe, whom Charles V., greatest

of European emperors, Louis XIV., Napoleon, and Nelson, tried in vain to overthrow.

The Montreal Herald flung this British sarcasm at our Algerine war : —

“In the courts and cities of Algiers there are no American factions and money-interests to counteract the administration, as there were in London and other towns and cities of Britain when the late war was commenced. The dispute is at length left to nations *worthy of one another* — prevail who will.”

When this recollection of that unworthy envy, its own executioner, is put on paper, a large party in Canada is calling for annexation with the United States, and nearly all England for union of this country with that to uphold free government against the combined despots of Europe : for the mother and daughter, in the language of prime minister Canning to an American minister, *to stand together for liberty against the world.*

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